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NICHOLAS FLOOD DAVIN: A BIOGRAPHY

by



CHARLES BEVERLEY KOESTER

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH  
IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE  
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FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read,  
and recommend to the Faculty of Graduate Studies and Research  
for acceptance, a thesis entitled "Nicholas Flood Davin: A  
Biography" submitted by Charles Beverley Koester in partial  
fulfilment of the requirements for the degree of Doctor of  
Philosophy.



"What a world of hope may be buried in a single grave."

Lord Lytton

Inscription on Davin's monument in Beechwood Cemetery,

Ottawa



## ABSTRACT

Nicholas Flood Davin was born in Ireland in 1840 and educated there. He enrolled as a law student in the Middle Temple, London, in 1865, and became a correspondent for the London Star in the Press Gallery of the House of Commons. On the outbreak of the Franco-Prussian War he became a special correspondent for the Irish Times and the London Standard. After the war he went to Belfast as the editor of the Belfast Times, but disagreements with his publishers led to dismissal, litigation and emigration to Canada in 1872 where he obtained employment as an editorial writer with the Toronto Globe. Within a year of his arrival he had earned a reputation as an orator as the result of a speech in 1873 in which he analysed the relative merits of British and American society in order to rebut certain annexationist proposals. His reputation as an author developed particularly with his publication in 1877 of The Irishman in Canada, and by 1880 he had won considerable respect as a lawyer as well for his outstanding, if unsuccessful defence of George Brown's assassin.

Meanwhile, Davin had been caught up in Canadian politics as a supporter of John A. Macdonald, and he contested Haldimand unsuccessfully in 1878. In 1879 he was commissioned to study and report on the American experience in Indian education; in 1880 he was appointed secretary to the Royal Commission on the Pacific Railway; and in 1884 he served as secretary to the Royal Commission on Chinese Immigration. He had moved to Regina in 1883 where he founded the Regina Leader which quickly gained an enviable reputation throughout the Territories and became of national importance in 1885 because of Davin's reporting of the Riel trial. When the federal franchise was extended to the North-West Territories, Davin



was elected to the House of Commons for Assiniboia West in 1887.

As a Member of Parliament he concerned himself with national as well as local issues. He spoke in the interests of his constituents even against the policy of his party, and he debated matters of national importance such as the Jesuits' Estates, the tariff, reciprocity and female suffrage. His career demonstrates the tensions created by the complexity of interests affecting a single member: loyalty to his constituents; loyalty to his party; and loyalty to his own self-respect as a man of independent mind. In Davin's case these factors converged with dramatic effect in the debate on the remedial bill in 1896. In the ensuing election, he was the only Conservative returned from a territorial constituency, and even that was due to the casting vote of the returning officer. He was defeated in 1900 by a Liberal newspaperman, Walter Scott.

While his main interest was politics, Davin made a substantial contribution to Canadian letters. Over a period of some thirty years in Canada he published one volume of history, two volumes of poetry and forty-odd pamphlets and periodical articles, and in addition to his newspaper activities, he wrote or edited a handful of government reports. Yet he committed suicide in 1901, believing his life to have been a failure: he had been rejected by his constituents; he had, to a degree, been rejected by his own party as well, for other than a Q.C. awarded in 1890, no reward had come his way for a generation of public service; he had lost touch with his public when he sold his newspaper in 1895-96; and he suffered from the narrow bitterness of politics which spilled over into the social life of the small prairie town which had been his home since 1883. He committed suicide in October of 1901 and was buried in Beechwood Cemetery, Ottawa.



## ACKNOWLEDGEMENTS

While the author of a study of this nature must accept full responsibility for all statements of fact and interpretation, he must also rely very heavily on the assistance, direct and indirect, of many individuals and institutions. I am very much aware of the extent to which others have contributed to my search for Nicholas Flood Davin, and I cheerfully acknowledge my debt to them all; I want to thank those who permitted me to examine private material and those who made public documents easily available; and I want to pay tribute to those who assisted me in the many instances in which my search for particular evidence proved fruitless and to those with whom I discussed particular points of interpretation. There can be no scale of gratitude. To acknowledge a primary debt to Mr. Allan Turner and his staff in the Archives of Saskatchewan is to state a fact rather than to make a comparison, for there my search began, and there it ended. In the interval, others contributed substantially: Rev. M.J. McCarthy and Mr. Daniel O'Shaughnessy, both of Kilfinane, Co. Limerick; Mrs. N.F. Davin of Mallow, Co. Cork; Mrs. Bridget Walsh and her son Patrick of Carrick-on-Suir, Co. Tipperary; Mrs. Mae Stallard of Carrickbeg, Co. Waterford; Mr. Gerard Slevin, Chief Herald of Ireland, Dublin; Mr. P. Henchy and his staff in the National Library of Ireland, Dublin; Mr. Daniel O'Keefe, Librarian, University College, Cork; Mr. D.V.A. Sankey, Librarian and Keeper of the Records of The Honourable Society of the Middle Temple, London, and his successor Miss Charlotte Lutyens; the librarians of the Royal Commonwealth Society, London; The Athenaeum, London; and the British Museum Newspaper Library, Colindale. I am indebted to many of my own countrymen as well: the staff of the



Public Archives of Canada, Ottawa; the National Library of Canada, Ottawa; the Archives of Ontario, Toronto; the Office of the Registrar, Supreme Court of Ontario, Toronto; and the Secretary of the Law Society of Upper Canada, Osgoode Hall, Toronto; Miss Christine MacDonald and the staff of the Saskatchewan Legislative Library, Regina; the Regina Public Library; the Library of the University of Saskatchewan in both Regina and Saskatoon; the Glenbow-Alberta Institute, Calgary; and the Secretary of the Saskatchewan Law Society, Court House, Regina. I am also in the debt of Mr. Justice Roy St. George Stubbs of Winnipeg.

Certain individuals belong in a special category in relation to this study. I readily acknowledge a debt to my family, from the oldest to the youngest, who for several years now have cheerfully contended with Nicholas Flood Davin as a reality and not merely as the subject of a dissertation. Professor Lewis H. Thomas, Department of History, University of Alberta, also belongs in this special category not only as an adviser whose criticisms were always helpful, but as a friend whose encouragement was often needed. It is a personal delight to me to be able to acknowledge the contribution of Sir Barnett Cocks, K.C.B., O.B.E., Clerk of the House of Commons, Westminster, who made one of his able Senior Clerks available for service at the Table of the Legislative Assembly of Saskatchewan during the First Session of 1966, thereby enabling me to take leave of absence from my position as Clerk of the Legislative Assembly to study for the degree for which this dissertation is now being submitted. It is a further delight to express my gratitude to Kenneth Bradshaw, now a Deputy Principal Clerk, House of Commons, Westminster, who braved a Saskatchewan winter and the intricacies of an unfamiliar Legislature in response to my appeal to Sir Barnett. Finally, I wish to pay tribute to the skill and patience of Mrs. Vivian Doan who typed the manuscript.



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## ABBREVIATIONS

AS	Archives of Saskatchewan, in the Archives Office, University of Saskatchewan, Saskatoon Campus, and in the Archives Office, University of Saskatchewan, Regina Campus.
<u>HCD</u>	<u>Official Report of the Debates of the House of Commons of the Dominion of Canada.</u>
Macdonald Papers	The Sir John A. Macdonald Papers.
PAC	Public Archives of Canada, Ottawa.
Sifton Papers	The Sir Clifford Sifton Papers.
Thompson Papers	The Sir John Thompson Papers.



## PREFACE

Nicholas Flood Davin was a colourful and controversial figure, and controversy clung to his reputation even after death, obscuring his very solid contributions to Canadian society in the generation from 1872 to 1901. This is the story of his search for fame as a journalist, an author, a lawyer and finally as a Member of Parliament. It is also a story of failure, for on the one hand Davin failed to find the fame he sought, while on the other, his contemporaries failed to understand that his ambition could be satisfied by fame alone, paid for in the currency of public service. Davin was by no means typical of territorial editors or private members of the House of Commons, yet his career demonstrates the debt Canadians owe to those who have served their society in the unheralded ranks of journalism, letters, law and politics, and Davin stands pre-eminent amongst those parliamentarians for whom the term "backbencher" is an accolade rather than a description.

Regina, October 18, 1971

C.B.K.



## CHAPTER I

### KILFINANE AND CORK

Davin is a well-known, but not a common Irish name. In its various forms -- O'Devine or Devane -- it is an anglicization of the Gaelic Ó Daimhín, and while originally of Ulster origin, is now associated mainly with County Tipperary.<sup>1</sup> A historian of the family claims a relationship with an Ó Daimhín, King of Ulster in 566, and with a line of Fermanagh chieftains prior to the Norse invasions of 795.<sup>2</sup> The O'Devines were at one time Lords of Tirkennedy, a barony in eastern Fermanagh, and an O'Devine was co-arb of Derry in 1066. The last of the name to be listed in the Annals of the Four Masters as a Tirkennedy chief was Brian in 1427.<sup>3</sup> The family continued to hold territory in Fermanagh until dispossessed of their lands by the Plantation of Ulster in 1611.<sup>4</sup> While the precise circumstances which brought the name to southern Ireland are not clear, family tradition suggests that Davins -- as they are known in the South -- participated in O'Neill's defence of Clonmel against Cromwell in 1650, and after the northern army withdrew, some of the family remained to settle in the vicinity of Carrick-on-Suir.<sup>5</sup>

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1 Edward MacLysaght, Irish Families, (Dublin, 1957), p.115.

2 Pat Davin, Recollections of a Veteran Irish Athlete, (Dublin, n.d.), p.35.

3 MacLysaght, op.cit., p.115. The Annals of the Four Masters are a Franciscan compilation of the early Seventeenth Century. They were edited and translated with notes in eight volumes by John O'Donovan in Dublin in 1851. See Sir F. Maurice Powicke and E.B. Fryde, Editors, Handbook of British Chronology, (London, 1961), p.303.

4 Pat Davin, op.cit., p.35.

5 Ibid., p.34.



Parson Pierce = ?  
(of Co. Waterford)

Mary = Maurice Davin

b. 1720

d. 1779

b. 1720

d. 1789

1779(?)

(1) Bridget Purcell = Denis

d. 1779(?)

d. 1826

1811  
Bridget O'Brien = Maurice

John

b. 1779

d. 1802

Bridget Walsh = John

b. 1814

d. 1859

Maurice Denis = ? Thomas = ? Patrick = ? Bridget

d. 1927 d. 1928

d. 1890

b. 1857

d. 1931

three sons

two sons;

three daughters

(Mrs. MacStallard)

Bridget = Walsh

Patrick

(2) Kate Keating  
(niece of Bishop Keating of Cahir;  
one son by previous marriage)

See The Davins of  
Kilfinane and Mallow

THE DAVINS  
OF  
CARRICK-ON-SUIR



The Davins of Carrick-on-Suir trace their descent from Maurice Davin, a corn merchant of Carrickbeg, and his wife Mary Pierce, daughter of a Parson Pierce of Churchtown, County Waterford.<sup>6</sup> Both were born in 1720, and both were buried in the Churchtown cemetery, Mary in 1779, Maurice ten years later. The line was continued through their son Denis who succeeded to his father's business and began a carrying trade on the River Suir and the canals to Dublin. Denis, who died in 1826, was the first Davin to live at Deer Park, the family's substantial but modest house situated a mile west of Carrick-on-Suir overlooking the river from the Tipperary side, with Slievenamon rising a few miles to the north-west, the Comeragh Mountains to the south and the Galtees in the western distance.

Denis Davin married twice. His first wife, Bridget Purcell, bore him a son Maurice; his second wife, Kate Keating, niece of a Bishop Keating of Cahir, was the mother of James Davin from whom another branch of the family can be traced. Denis' son Maurice married Bridget O'Brien in 1811, and in his turn became head of the Carrick-on-Suir family. He was succeeded by his son John whose wife, Bridget Walsh, bore him four sons, Maurice, Denis, Thomas and Patrick, and a daughter Bridget. This generation of Davins was renowned in athletic circles throughout the land, and the sports ground at Carrick-on-Suir is named after the famous Pat Davin, otherwise, the name has almost vanished now from Carrick-on-Suir; it is hidden in the parish registers, and is barely discernible on the headstones on which nine generations could once be traced. Even yet, however,

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6 The Davin genealogy was obtained mainly from an undated manuscript prepared by a Maurice Davin of Deer Park, Carrick-on-Suir, in the possession of Mrs. N.F. Davin of Mallow, Co.Cork. Mrs. Bridget Walsh and her son Patrick of Carrick-on-Suir added further details and showed me the family burial plot in the cemetery at Churchtown, Co.Waterford. Mrs. Mae Stallard of Carrickbeg was most helpful in identifying the more recent generations.

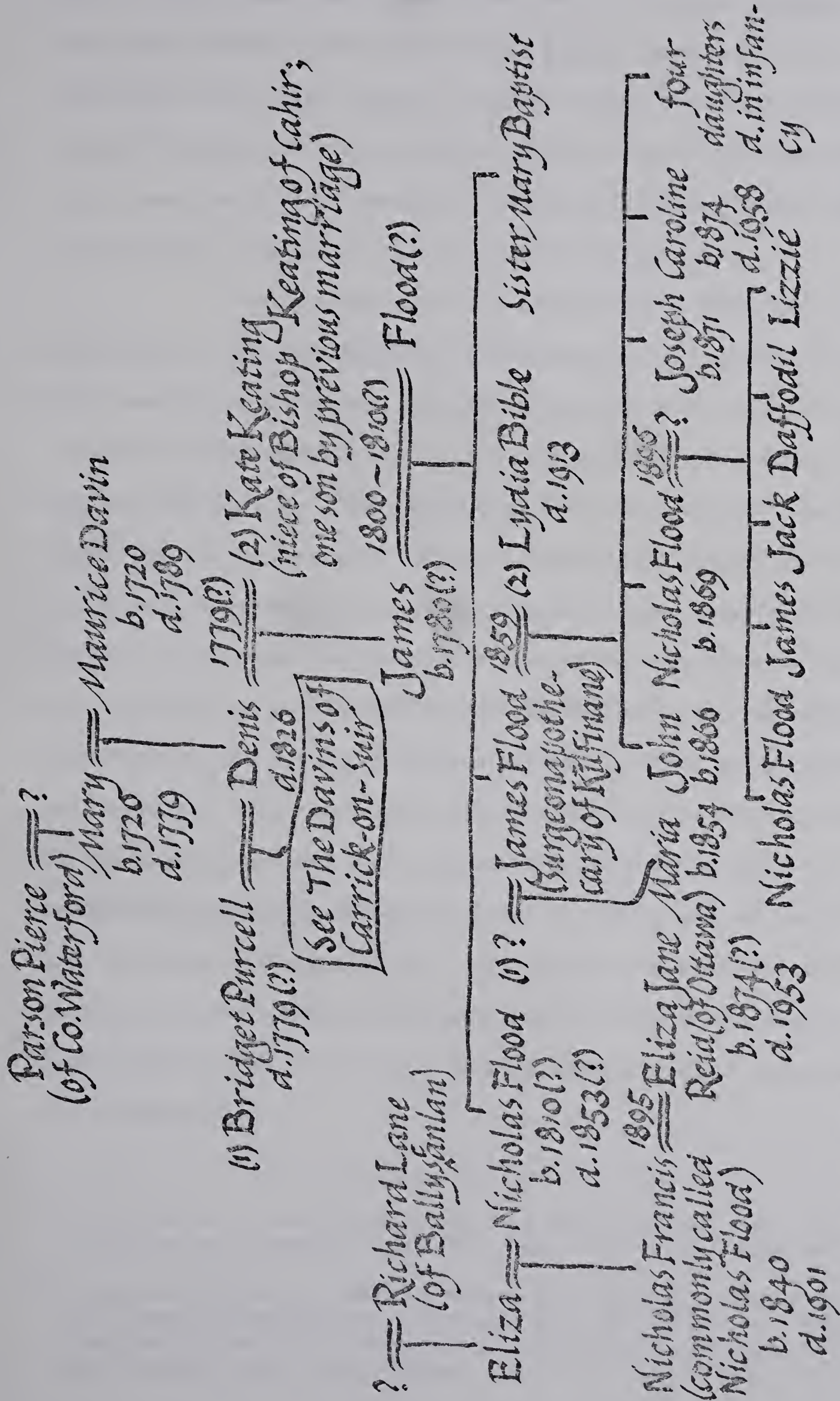


in the few terse records that remain, a strong strain of stability and family self-consciousness can be detected. The Davins of Carrick-on-Suir had identified themselves, and they were proud of their identity. Their pride and their sense of family were sustained from generation to generation by a highly developed instinct for competition which to all appearances brought material rewards through business, agriculture and the practice of law, and which manifested itself in later generations in a devotion to competitive sports. "The Davins," one is told, "couldn't lose."

It is much more difficult to establish the relationships of the Davin line which sprang from Denis Davin's second marriage to Kate Keating, but a process of deduction based upon the repetition of certain Christian names which do not appear amongst the Carrick-on-Suir family helps to fill the gaps. One of the children born to Denis and his first wife Bridget was a son John whose death in 1802 at age 23 is recorded on a stone in the Churchtown cemetery. The earliest possible date of Bridget's death and Denis' remarriage to Kate is therefore 1779. According to the Mallow Manuscript, a brief genealogy mainly of the Carrick-on-Suir Davins, there was at least one child born of this latter union, a son James whose earliest possible date of birth would be 1780. The manuscript further indicates that James was the father of a Sister Mary Baptist. Beyond this, the manuscript maintains a strange, or perhaps discreet silence with respect to this second branch of the family.

There was, however, a James Flood Davin, apothecary cum medical practitioner, living at Kilfinane, County Limerick, during the middle years of the Nineteenth Century. He too married twice, and in each case into a Protestant family, for the birth of a daughter, Maria, in 1854 is recorded in the Protestant parish records, and an entry dated





## THE DAVINS OF KILFINANE AND MALLOW



May 25, 1859, shows that "James Flood Davin, full age, widower, surgeon-apothecary, father's name James Davine [sic], farmer, [was married] to Lydia Bible, full age, spinster, father's name James Bible, Bridewell, Keeper."<sup>7</sup> While Kilfinane remembers these Davins as Protestants, the longer memories in the community recall that "Doctor" Davin, although not a church-goer, was buried in the Catholic churchyard.

"Doctor" Davin's wife Lydia died in 1913, and is remembered with three of her four daughters who died early, on a stone in the Protestant cemetery at Kilfinane. She bore two other daughters: Catherine Jane who died in 1877 aged one year, three months, and Caroline who died a spinster in 1958 aged 84. The eldest son, John, born in 1866, served in the Royal Navy and died in London; the youngest son, Joseph, was born in 1871, and after his apprenticeship in the drapery trade, emigrated and died in Canada. The line was maintained by the second son, Nicholas Flood Davin, born in 1869, who was an estate agent in Mallow in the adjacent county of Cork where he and his wife, whom he married in 1896, raised three sons and two daughters. This Protestant family claims to be related to the Davins of Carrick-on-Suir, and their progenitor, James Flood Davin, is still remembered in Kilfinane as "Doctor" Davin, a kindly man who never charged more than half a crown a visit. The house in which he raised his family can still be identified as the Davin house, although the family has long since departed, but very little else is now known about him except that he had a brother.<sup>8</sup>

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7 The records of the Church of Ireland parish of Kilfinane were kindly placed at my disposal by the Rev. Hugh Gurnsey of Kilmallock, Co.Limerick.

8 I must acknowledge a debt to Father M.J. McCarthy, Parish Priest, and Mr. Daniel O'Shaughnessy, merchant, both of Kilfinane. Father McCarthy's hospitality and Mr. O'Shaughnessy's unexcelled knowledge of local families and history were indispensable.



Nicholas Flood Davin, founder and editor of the Regina Leader, author, lawyer, and from 1887 to 1900 Member of Parliament for Assiniboia West in the North-West Territories of the Dominion of Canada, was born Nicholas Francis Davin<sup>9</sup> in 1840, son of another Nicholas Flood Davin and his wife Eliza, youngest daughter of Richard Lane of Ballyscanlan.<sup>10</sup> The name Flood, more commonly a surname, appears in the Davin lineage for the first time in the generation of "Doctor" James Flood Davin where it is occasionally used with Davin as a hyphenated surname. It continues to appear in every generation of this Kilfinane branch of the family after that of James Davin, son of Denis and Kate. Since there was a prominent family of Floods living at Kilgarriff near Kilfinane until 1875, perhaps it can be assumed that James Davin married a Flood sometime between 1800 and 1810. The Floods owned some sixty acres of land, and were socially above the average farmer. It is therefore likely that the name would be perpetuated through a daughter's children. If this is in fact the case, could it also be assumed that "Doctor" James Flood Davin was a son of the marriage of James into the Flood family and was therefore a brother to the Sister Mary Baptist named in the Mallow Manuscript? Finally, could it not be further assumed that the Regina Davin's father, Nicholas Flood Davin, was also the brother of "Doctor" James Davin? The repetition of the names Nicholas and James, the latter common to both the Floods and this line of Davins, lends further weight to these assumptions which would relate the Davins of Kilfinane and Mallow to those of Carrick-on-Suir and thereby substantiate the Mallow Davin claim that the two families were related. They

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9 See Last Will and Testament of Nicholas Flood Davin, Court House, Regina, Records of the Supreme Court, North-West Territories, Judicial District of Western Assiniboia, Nov. 29, 1901.

10 The Parliamentary Guide, 1898-99, (Ottawa, 1898), p.50.



would also resolve certain inconsistencies in Nicholas Francis Davin's accounts of his birth and upbringing.

The common account of his origins and education given by Davin throughout his career in public life in Canada was that he had been born in Kilfinane on January 13, 1843, son of Dr. Nicholas Flood Davin and Eliza Lane of Ballyscanlan.<sup>11</sup> His father is said to have died before Davin reached his teens, and his mother apprenticed him to an ironmonger, but a distant relative undertook to provide him with an education, and the young lad was educated privately, at Queen's College, Cork, at a college associated with the University of London and at the Middle Temple in London.<sup>12</sup> However, neither the Catholic nor the Protestant parish registers in Kilfinane record his birth; moreover, the name Nicholas Flood Davin is not included on lists of Irish medical practitioners of the period;<sup>13</sup> and the only Davin living in Kilfinane in the forties and fifties was James Flood Davin who enjoyed the title of "Doctor" merely by courtesy of his patients. It is, nevertheless, quite possible that Davin was brought up and educated in the family of his uncle, "Doctor" James Flood Davin, that he therefore adopted the family name Flood in place of his given name Francis, and embraced the Protestant religion in full consciousness of the social and

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11 See for example ibid.

12 Roy St. George Stubbs, Lawyers and Laymen of Western Canada, (Toronto, 1939), pp.1-2. A.H. Wesencraft, Reference Librarian, University of London, has been unable to locate the name Nicholas Flood Davin on any list of graduates or students of the University of London. He suggests, however, that Davin might have attended lectures as an occasional student at either King's College in the Strand or University College in Gower Street, but neither of these institutions has any record of a Nicholas Flood Davin.

13 See correspondence in AS with T.P. O'Neill of the National Library of Ireland.



economic benefits which would derive from association with the Ascendancy class. He later avoided any complicated explanations by the rather simple expedient of consciously confusing his father with his uncle. Thus his statement made later in the Canadian House of Commons that he was a very low English churchman "by adoption"<sup>14</sup> takes on considerable significance, and his sensitivity to the charges of his opponents that he was "a damned papist in disguise"<sup>15</sup> or an "alleged Protestant"<sup>16</sup> is more readily understood.

From this second line of Davins there emerges, then, a further measure of the character of the family. In the senior line, family stability and pride of place are clearly apparent; in the junior line a certain restlessness is evident. The one family was fully aware of its position attained through the generations; its sole concern was that this position be maintained. The second family seems to have been conscious that by comparison its position was inferior, and this sense of inferiority was itself a challenge. Amongst the descendants of Denis and Kate, therefore, the Davin competitive instinct manifested itself as ambition. It could have been genuine honest doubt that led at least one of this family, "Doctor" James Flood Davin, to slide away from the faith of his fathers, but it could also have been ambition; it could have been mere convenience or custom which gave an apothecary the title of "Doctor," but an ambitious man would not regret the custom. It will not be surprising, then, if

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<sup>14</sup> HCD, Feb. 12, 1890, Vol. 1, c. 535.

<sup>15</sup> N.F. Davin to J.S.D. Thompson, July 1, 1893, PAC, Thompson Papers, No. 22750, Photocopy in AS.

<sup>16</sup> Standard (Regina), Mar. 26, 1896.



Nicholas Francis Davin, later commonly called Nicholas Flood Davin, should throughout his life give evidence of this heritage: a pride in the name he bore; an ambition to find his place in the sun; and a readiness to compete for that place with all the resources at his disposal.

\* \* \* \*

The road to Kilfinane leads south from Limerick, the "City of the Broken Treaty,"<sup>17</sup> lying across the placid, slow-moving River Shannon. It is now a tarmacadam road, but not so many years ago it was a rough and dusty gravel surface as it had been long beyond living memory. The journey of twenty-seven miles takes about an hour by automobile; it took much longer when the Irish countryman travelled on foot, by wagon or coach, or on horseback. Even with constant reminders of the present day on all sides -- railway lines, petrol pumps, power, telegraph and telephone poles -- little effort of imagination is required for the traveller to cast himself back into the middle of the last century.

The route is essentially the same: Ballyneety, Bruff, Holycross, Kilmallock -- once the most important walled town in Munster -- then on across the Golden Vale to Kilfinane. The narrow road through the rolling country follows a course chosen generations ago by the simple criterion of ease of passage. It is lined on each side by banks and thorn hedges, and in places the trees complete a full canopy overhead. Modern automotive traffic has by no means replaced the horse and wagon, the donkey cart or the pony trap, and one quickly grows accustomed to the occasional

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<sup>17</sup> The reference is to the Treaty of Limerick of 1691.







glimpse of a tinker's brightly painted caravan drawn by a team of horses and followed by a straggle of dogs and perhaps a mare with foal at foot. The fields, small and irregular to an eye accustomed to the vast expanse of the western plains of North America, are divided by rows of ash or elm, by banks and thorn hedges. Cattle graze unhurriedly, for this is the rich dairy land of Ireland; occasionally a hillside is seen dotted with sheep; and almost every farm cottage has nearby pasturage for a horse or a donkey.

The houses are small, and are built of stone; some have a plaster finish; most have roofs of slate; a few are thatched. They are painted a repetitive grey, white, yellow, blue or orange of a bright and distinctive hue. The lush and immaculate gardens are surrounded by stone fences or neatly trimmed box hedges. The somewhat larger homes of the more prosperous farmers are commonly arranged with the other farm buildings on three sides of a rectangle fronting on the road. From time to time one passes in the distance a large, solid, Georgian house which, by its remoteness, its high stone fence, iron gates and gate house, identifies itself as the former residence of a landowner of the Ascendancy. Ruins are everywhere: a crumbling stone wall, doubly symbolic in decay; the remains of a tiny cottage; a mouldering gate house no longer guarding the privacy of a privileged class; a church, or an abbey, or a mediaeval castle located across the countryside according to some pattern of ancient strategy. Each is part of Ireland, and each in its way is a memorial to the history of a naturally happy people in a historically unhappy land.

Past Kilmallock the white limestone of the buildings, weathered by the seasons and splotched with lichen, gives way to the characteristic red sandstone of Kilfinane. Then in the distance, on the first rise of the Ballyhouras, the spire of Kilfinane's church is visible. The village itself, lying saddle-wise across Drum Oora, is glimpsed briefly



before the road swings eastward and begins its climb onto the north-jutting spur of the Ballyhoura Mountains which by now dominate the horizon to the east, south and west. Crossing a bridge over the Gotoon River and continuing on up the hill, the traveller finds himself rather suddenly in the market square of Kilfinane.

Kilfinane today is a quiet little village of some five hundred souls serving the immediate needs of the surrounding agricultural community. With important centres such as Tipperary, Mitchelstown, Fermoy, Mallow, Rath Luirc and Kilmallock all within twenty miles distance to the north, south, east or west, the village has progressively surrendered to the forces of urbanization and modern communications, and lost the commercial predominance which it enjoyed as late as the turn of the century. Its main buildings are St. Andrew's Church and presbytery, a convent of the Sisters of Charity of St. Paul, a general store and a hotel. The services of a baker, a butcher, an apothecary and a mechanic are all available along the main street where a high proportion of Kilfinane's residential property is also to be found. The 1961 census shows the population to be 565; it has declined considerably since 1861 when the figure stood at 1,274 of whom 1,203 were Roman Catholic, 66 Church of Ireland, and 5 Methodist. These figures in turn are somewhat lower than those for the two preceding counts: the pre-famine census of 1841 showed Kilfinane's population to be 1,782; the census of 1851, after the famine, recorded a decline to 1,400.<sup>18</sup> It is, then, a place of memories rather than visions, a community of the past, not the future, and in Kilfinane, as indeed in most of Ireland, the past is not very far removed from the present.

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<sup>18</sup> I am indebted to Mr. P. Henchy, Director, National Library of Ireland, for these figures.



Leading south for about fifty yards off the market square, for example, at the west end of Main Street, is Captain's Lane where troops were quartered during the various "troubles." The market house stands on the south corner of the square side by side with the old Court House which once served also as a school. It was outside this Court House that the townsmen rioted on September 20, 1846, while inside the Board of Works debated proposals for relief works and then adjourned and passed "with difficulty" to a nearby hotel.<sup>19</sup> The hotel still stands, but no longer under the name of the Gascoigne Arms Inn, a name associated with a bitter past. The butter market was located behind the Gascoigne Arms, and every Tuesday the carts would file through the arch to the scales where the produce was weighed and graded and then pass on out through Captain's Lane to the square. It is still recalled that for a few weeks in 1798 the butter was contaminated with the hair from the corpse of an Irish nationalist, hanged in front of the Market House for his part in the insurrection of that year.

About one hundred yards further east, past the hotel, where Main Street narrows into Lower Main and begins its gentle descent towards the old Protestant rectory on the road to Tipperary, Barrack Lane branches off at right angles to the south and Castle Street to the north. A small classical college was at one time located a few yards up Barrack Lane, while farther on, past the old presbytery, which once served as a police barracks, the old fair green lies at the foot of Dun-cin-oura, the remains of a platform-type ring-fort of pre-Norman times surrounded by three concentric banks and fosses.<sup>20</sup> Seen from this vantage point during the month

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19 Cecil Woodham-Smith, The Great Hunger, (Toronto, 1964), p.108.

20 Sean P. O'Riordan, Antiquities of the Irish Countryside, 3rd Edition, (London, 1953), pp.20-21.



of May when the white thorn is in bloom, the Golden Vale to the northward appears as a profusion of pink and white. The May sheep fair and the August cattle fair were held on the Dun-cin-oura green, and fair days were community holidays. Castle Street takes its name from a Fourteenth Century castle belonging to the Roche family which has long been but a ruin, and across from which stand the more recent ruins of the church which served the Protestant community prior to the early 1860s when a new church was built on the south-west edge of town. The present Catholic church, presbytery and convent are located farther down Castle Street, backed onto Bally Row Lane which opens onto Main Street just opposite Doherty's Hotel, the former Gascoigne Arms Inn. When the gentlemen of the Ascendancy gathered in Kilfinane for the hunt, they were accommodated in the inn and their hounds were kennelled in the lane, a part of which is still known as "The Kennels." Today a girls' school stands at the lower end of Bally Row Lane on the site of the old Catholic church, and a boys' school is located on the eastern edge of the village.

The district, like the village itself, is dominated by its history. Some four miles to the south-west of Kilfinane, on a peak of the Ballyhouras known as Seefinn, is the old site of a community dating back to the days of St. Patrick himself, while at the summit of a neighbouring peak the Third Century poet and warrior, Oisín, son of Finn MacCool, is said to be buried. Legends abound of battles and slaughter long ago at Glenosheen, a pass in the Ballyhoura Mountains about five miles south of Kilfinane. Brian Boru's brother was murdered nearby at Red Chair Gap. More recent events in this countryside have been the inspiration of two of Canon P.A. Sheehan's picturesque and moving novels of Nineteenth Century Ireland; in Glenanaar he tells the story of the Doneraile Conspiracy of 1821, and The Graves at Kilmorna is based on the death of a Fenian



leader in 1867 at Kilclooney Wood a few miles south of Kilfinane.<sup>21</sup>

At the foot of Seefinn Mountain, hidden from Kilfinane two and one-half miles to the north by Hurley's Hill and Ard-na-geeha, lies Castle Oliver, since Cromwellian times home of the Oliver family who controlled the 10,000 odd acres of the Gascoigne estates. The trees in the castle park are said to have been planted according to the disposition of the French and British troops at the Battle of Waterloo. The Olivers kept another house at Spa Hill, one quarter mile south-east of Kilfinane, at the gates of which the Irish tenants of the district appeared regularly, cap in hand, to pay their rent. On a hillside a mile to the east of Kilfinane the Palatine Rock marks the first assembly place of the Palatines, a unique element in the community rarely found outside County Limerick. They are descendants of German Calvinists who fled the Rhenish Palatine in 1709 and were settled in the vicinity of Rathkeale and Adare, near Newcastle West.<sup>22</sup> Silver Oliver brought a group of these German settlers to Kilfinane in 1740. The Palatines retained their language and customs until late in the Nineteenth Century, and even yet have not been completely assimilated into the Irish community. Their distinctive German names continue to appear in the Protestant parish rolls.

This was the community which James Flood Davin served as apothecary and medical practitioner in the middle years of the last century, and in which he raised, as one of his own children, his somewhat precocious nephew, Nicholas Francis Davin. Their house, still standing, was located a few steps down the Limerick road west of the square and just across from the Protestant National School where the young Davins probably obtained

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21 P.A. Sheehan, Glenanaar, (Dublin, 1850); and The Graves at Kilmorna: A Story of '67, (London, 1915).

22 MacLysaght, op.cit., p.35.



their primary education from Joseph Wiggins.<sup>23</sup> In all likelihood, it was here too that Nicholas served his time as an ironmonger's apprentice bound to Charles O'Shaughnessy who, in the 1850s, was one of the most substantial businessmen of the county. He employed tinsmiths, turners (making tops for the boys and cricket bats for the gentry), tailors, teablenders, carpenters, weavers and shoemakers, and during the Franco-Prussian War he engaged every woman in the parish to make shirts for the French army at four pence a shirt.<sup>24</sup> However, Nicholas was anything but content with his prospects as an ironmonger's apprentice, and on one occasion ran away to Dublin. He was brought back and laboured on a little longer before someone -- his uncle perhaps -- made it possible for him to continue his education.<sup>25</sup>

Although Nicholas Davin had an obvious literary cast of mind and an attractive presence even as a youth, his life in Kilfinane was by no means devoted entirely to his books or his trade. In later years he recalled the occasion when as a mere boy he took the place of an experienced jockey in a horse race at breakneck speed in which he beat the favourite by half a head. "I doubt if anything I ever did in after life," he said, "gave me as much pleasure as that. And the way I was received at home! By Jove!"<sup>26</sup> Here again is evidence of the Davin instinct to compete,

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23 The stained glass west window of the Protestant church is inscribed as follows: "To the memory of Joseph Wiggins for 48 years Clerk and Schoolmaster of Kilfinane. This window was erected by the Landed Proprietors, Parishioners and other friends as a public testimony of their appreciation of his valuable service and their respect for the Christian character he constantly maintained during a long and exemplary life. He died on the 21st April 1860, aged 72. The memory of the just is passed."

24 This information was supplied by Daniel O'Shaughnessy, grandson of Charles, and proprietor of the family business.

25 Jessie M.E. Saxby, West-Nor'-West, (London, 1890), p.65.

26 Ibid., p.66.



another instance of which emerges in the tale still told in Kilfinane of the time when "Doctor" Davin, overcome by the excitement of a donkey race in which his son was coming in second at the winning post, interfered with the leading donkey and earned himself a wallop from its owner's fist.

His apprenticeship terminated, Davin set out on an academic career under the tutelage of a W. O'Connor,<sup>27</sup> and in the autumn of 1864 he registered as a first-year student at Queen's College, Cork. He is entered in the register as "Nich<sup>s</sup> F. Davin," and his father is shown as "Nich' F. Davin, Dec'd."; his place of birth appears as "Kilfinnan" [sic], and his religious denomination as Established Church.<sup>28</sup> According to the register he was 24 years of age, and his year of birth would thus have been 1840. Significantly, he was the oldest of the twenty-three students whose names appear on the same page with his, and he was six years older than the average age of these classmates. These six years could be accounted for as the six years of his apprenticeship. In later life when he claimed a birth date of 1843, he was merely splitting this difference in an attempt to overcome to some extent the supposed disadvantages of a late start.<sup>29</sup> Something of Davin's native wit is apparent in an incident which took place during his college career. As in most institutions the food was not all that the students thought it might be, and on one occasion it was suggested that a delegation wait upon the principal with a complaint about the quality of the bread and cheese. This proposal was greeted with

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27 Register of Queen's College, Cork, for the Session 1864-65. Davin is entered as No. 70. I am indebted to Mr. Daniel O'Keefe, Librarian, University College, Cork, for this extract.

28 Ibid.

29 Davin's marriage certificate confirms the 1840 date and interment documents in possession of the Beechwood Cemetery Company, Ottawa, show estimates of his year of birth ranging from 1839 to 1843.



great enthusiasm by all but Davin, and when he was called upon to explain his unpopular stand -- particularly unpopular since he was a mere junior -- he replied that he saw no reason for a delegation of students to be sent to the principal to speak about the bread and cheese, because that bread and that cheese were quite old enough to speak for themselves.<sup>30</sup>

Davin did not take a degree from Queen's College. He was registered for only one session, and in the spring of 1865 he set forth, like so many of his countrymen, for London, for fame and for fortune. Fortune had so far been on his side. Despite the loss of a parent and a rather unpromising start in trade, he had acquired a sound classical education which, although he had neither the time nor the money to continue formally at this stage, would be the foundation of an imposing scholarship built by his own inclination and ability. In fact, his education extended well beyond the school room and the lecture hall. He had for six years associated with a class of skilled tradesmen, and although he aspired to quite a different life for himself, there can be no doubt he had acquired at least an understanding of, if not a sympathy for the standards and values of the working classes. Moreover, as a sensitive and receptive youth, he was undoubtedly aware of the tensions and complexities of life in a community divided by race, religion, language and class. His own roots were to be found in the Celtic and Catholic majority, but he and his family had chosen to compete amongst the Anglo-Saxon Protestants of the Ascendancy. This was the path of the Davin ambition. It was an individualistic rather than a dogmatic response to the challenge of Nineteenth Century Irish rural life. It was a fulfilment rather than a denial of his people and his past, for

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<sup>30</sup> Mrs. N.F. Davin to Dr. W.D. Cowan, Nov. 6, 1912, AS, The Walter Davy Cowan Papers.



he had been brought up to compete and to succeed, and he had been brought up with a large measure of tolerance in his makeup. His life at home, at school, at work and at college had taught him the wisdom of the dictum he had learned as a child:

Seek for the truth wher'er 'tis found,  
Amongst your friends, amongst your foes,  
On Christian or on heathen ground, --  
The plant's divine wher'er it grows.<sup>31</sup>

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31 HCD, Mar. 2, 1896, Vol. 1, c.2661.



## CHAPTER II

### LONDON, PARIS AND BELFAST

Davin was admitted to The Honourable Society of the Middle Temple on April 27, 1865, upon payment of the usual fee of £10, and on its rolls he is described thus: "... of the City of Cork, Student of Queen's College, (24) only son of Nicholas Flood Davin of Kilfinane, Limerick, esq., doctor of Medicine, dec'd."<sup>1</sup> The records give only scant information of Davin's life in the Middle Temple, but later accounts allude to his membership in the Temple Forum, a debating society frequented by young lawyers and journalists, in which Davin and one T.P. O'Connor "were the stars that outshone all others."<sup>2</sup> Ralph Thomas, who was a guest at Davin's call party, described him as "a tall spare man with a very thin purse"<sup>3</sup> who, like many of his colleagues aspiring to a career at the bar, turned to journalism as an alternative and more immediate source of income. While still a law student, Davin edited The Monthly Journal, a literary, scientific and insurance periodical connected with The Empire Assurance Corporation,<sup>4</sup> and he entered

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- 1 I am indebted to D.V.A. Sankey, Esq., formerly Librarian and Keeper of the Records of The Honourable Society of the Middle Temple, and to his successor, Miss Charlotte Lutyens, for information pertaining to Davin's enrolment as a member of the Society, his admission to the bar and his chambers in the Temple.
  - 2 Stubbs, Lawyers and Laymen of Western Canada, p.2.
  - 3 Ralph Thomas, "Three Irishmen I Knew," The Irish Booklover, Dec. 1910, p.68, Photocopy in AS.
  - 4 Published in London by Woodfall-Kinder. Microfilm of Vol. 1, Nos. 1 and 2, Nov. and Dec. 1866, edited by Nicholas Flood Davin, in AS. These issues contain Davin's "Charles Kavanaugh: a Story of Modern Life, Character, and Adventure," published under the pseudonym, Tristram Templeton. The story is set in Kilastane, a fictitious village somewhere between Limerick and Cork, and features a rural doctor who is nominally a Catholic and his Protestant wife. Davin may also have written other items in these issues. See correspondence in AS with T.P. O'Neill of the National Library of Ireland.



the Press Gallery of the House of Commons as a shorthand reporter for the London Star.<sup>5</sup> The Morning Star and its afternoon counterpart, the Evening Star, had commenced publication in 1856 as the mouthpiece for the "earnest Radicalism" of Cobden and Bright under the editorship of John Bright's brother-in-law, Samuel Lucas.<sup>6</sup> Amongst the able staff which Lucas gathered about him was one A.H. Dymond who joined the Morning Star in 1857 and ultimately became the general manager, a position he held until his departure for Canada in 1869 where, as an editor and political writer for the Toronto Globe, his career would again link with Davin's, and where he later became a member of the Canadian House of Commons for North York.<sup>7</sup>

Standards amongst gallery journalists were high, and although salaries were about five guineas a week, a good reporter could earn an additional ten to fifteen pounds by the performance of extra duties.<sup>8</sup> Positions in the Press Gallery were eagerly sought for just that reason. As a junior reporter with but two years experience in journalism, Davin's salary was four guineas a week, but in addition, he wrote letters for three country papers at a guinea each, a column, "Parliament Sketched," for the Court Journal at a guinea, "and from two to four leaders a week for one of the papers for which he corresponded."<sup>9</sup> His routine was simple, but required

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5 See Nicholas Flood Davin, Editor, Mr. Davin on "Fanning in Church" and Addison and Steel on the Use of the Fan, (Toronto, 1874). On the title page Davin describes himself as being "Formerly of The Star, Pall Mall Gazette, &c., &c."

6 H.R. Fox Bourne, English Newspapers, 2 vols., (1887; reprint ed., New York, 1966), Vol. 2, p.238.

7 The Canadian Parliamentary Companion and Annual Register, 1878, (Ottawa, 1878), p.121.

8 Samuel Whittaker, Parliamentary Reporting in England, Foreign Countries, and the Colonies, (Manchester, 1877), p.47.

9 Nicholas Flood Davin, "The London and Canadian Press," The Canadian Monthly and National Review, Vol. 5, No. 2, Feb. 1874, pp.124-25. Davin wrote in the third person, but it is reasonable to assume the reference was to himself.



certain skills of organization and timing, and a gift for writing. Before even going down to the House he would prepare an introduction to the subject to be debated. Between his "turns" in the Gallery he would add a sketch of the debate, and the manuscript would be sent off by train at 8:30 p.m. At the conclusion of the debate he would telegraph a concluding paragraph to his editor, and "Thus a country paper 200 miles from London had its parliamentary leader as well as the Times, and with comments up to the last moment."<sup>10</sup> In this way Davin made an additional ten guineas a week, or over £260 for a six-month session, supplemented by court reporting during the adjournment.

There was even more to it than this, however, for Hansard's Debates, originated in 1803 by the son of Luke Hansard, depended entirely upon the verbatim reports of the gallery correspondents which were then collated, checked and published.<sup>11</sup> The reporters, most of them trained in provincial journals, required a shorthand speed of about one hundred and fifty words per minute. They took "turns" in the Chamber and transcribed their notes in a room near the gallery. If the Times correspondents were considered by their colleagues to have been "extravagantly petted" by the members, it was because their responsibility was particularly heavy; they alone, in an age when classical erudition was a commonplace in the House, had access to an excellent general and classical library. In 1877, about seven years after Davin had been in the gallery, some seventy-three reporters were regularly employed in the House, and on special occasions the number would rise to eighty-nine. Most papers kept a fairly large staff on duty, and Davin himself commented on the difficulties which could arise

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<sup>10</sup> Ibid., p.125.

<sup>11</sup> Whittaker, op.cit., pp.34-35.



for a small newspaper, such as the Star which employed only five gallery correspondents, on an evening when Bright, Disraeli and Gladstone were all up: "If a comma were omitted from Mr. Bright's speech, the pillars of heaven would have shown signs of tottering."<sup>12</sup>

The names of parliamentary reporters of this period read something like a literary Who's Who, or as Davin put it, the Press Gallery was "the rock whence were hewn ... many men now holding eminent positions as journalists and littérateurs."<sup>13</sup> Charles Dickens, one of the most accurate and rapid reporters in the Press Gallery, alluded with pride to his period of service there which he gave up only after the success of his Pickwick Papers. William Howard Russell, best known as the Times correspondent in the Crimea and the American Civil War, spent fourteen years as a parliamentary reporter. Samuel Taylor Coleridge, William Hazlitt, Samuel Carter Hall<sup>14</sup> and others of some literary fame were also employed in the gallery at one time or another. Most were authors in their own right; many, like Davin, came to journalism and the Press Gallery after training for the bar. It was, all told, an exacting profession, and for Davin a formative experience. Allusions to British statesmen of this period which appear in his later speeches and articles suggest that he enjoyed a reporter's intimacy with Disraeli, Mill, Lowe, Bright and others, and from time to time in his later career he was to resurrect as his own a phrase or aphorism which had its origin in a Westminster debate.<sup>15</sup>

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12 Davin, "The London and Canadian Press," p.124.

13 Ibid., p.125.

14 Samuel Taylor Coleridge (1772-1834) poet and philosopher; William Hazlitt (1778-1830) essayist; Samuel Carter Hall (1800-1889) author and editor.

15 See below Chapter 8.



Davin was called to the bar on January 27, 1868, and he occupied professional chambers in the Middle Temple from then until 1872. However, when the Franco-Prussian War broke out in the summer of 1870, he was still but a briefless barrister. Having no law practice to hold him down, being unmarried and still young, although no longer a youth, he must have felt that the war offered greater scope than the Press Gallery for whatever journalistic talents he possessed. Consequently, he offered himself to both the Irish Times and the London Standard, and was appointed a "Special Correspondent."<sup>16</sup> The Times, widely read by the commercial classes, was a Liberal-Conservative daily published in Dublin and circulating throughout Ireland. It was independently Conservative in policy; it aided movements for the benefit of Ireland; and it supported a strong Irish national policy.<sup>17</sup> The Standard was a Conservative journal speaking for the party of Derby and Disraeli, and was devoted essentially to politics and news.<sup>18</sup> Neither of these appointments can be substantiated by external evidence; except in the case of well-known reporters, it was the accepted practice for the newspapers to preserve their correspondents in dignified anonymity, and the correspondents themselves took a certain pride in their complete subordination to their papers. An examination of the Daily News for this period, for example, gives no indication of the names of the correspondents, and in the published letters there is only one case in which a colleague is mentioned by name.<sup>19</sup>

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16 Evening Times (Hamilton), Apr. 18, 1873, "The Franco-Prussian War."

17 The Newspaper Press Directory: 1870, (London, 1870), p.116.

18 Ibid., p.1.

19 Lucy Maynard Salmon, The Newspaper and the Historian, (New York, 1923), pp.214-15 and n.



The fraternity of correspondents covering the war was no less distinguished than the Press Gallery. It included Dr. W.H. Russell for the Times of London, G.A. Henty for the Standard and Archibald Forbes for the Daily News.<sup>20</sup> The Irish Times announced editorially on July 20, that arrangements had been completed "for supplying the most accurate, and, we trust, the most interesting information from the Seat of War ...." Their special correspondent on the German side had been chosen for his knowledge of military strategy and literary ability, and the selection had been made "with anxious care." The correspondent assigned to the French Army of Reserve had previously reported the Danish and Austro-Hungarian campaigns for the Irish Times, and a distinguished officer was awaiting government approval before accepting a position as correspondent with the Grand Army of France.<sup>21</sup> Such were the journeymen correspondents with whom Davin, however remotely, served this stage of his apprenticeship.

The pages of the Irish Times and the London Standard provide ample evidence of the problems of reporting a war. Commanders on both sides were fully aware of the potential value to the enemy of newspaper intelligence: "During the Italian campaign of 1859," for example, "the correspondents of German papers in the Austrian army published the only reliable information the French had as to the movements of the Austrian army."<sup>22</sup> The blunder was not to be allowed to occur again. The Irish Times correspondent

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20 Irish Times (Dublin), July 18, 1870, p.5, "The Special Correspondents."

21 Ibid., July 20, 1870, p.4.

22 Standard (London), July 20, 1870, p.5. Salmon, op.cit., Chapter 9, devotes considerable attention to this problem which plagued Wellington as early as 1807.



with the French army reported early in the campaign: "Marshal Leboeuf has just said he is quite willing the newspapers should give news from the army, provided they give false news."<sup>23</sup> A correspondent of the London Times, reviewing the orders issued to journalists by the military, concluded that the choice open to correspondents was to abstain from reporting local military activity, or "to play a role which bears a disagreeable resemblance to that of a spy." He chose the former course, and therefore, in his view, could not be regarded as a war correspondent, "but simply as a tourist who happens to be travelling near the seat of war, and who takes advantage of the interest which war lends to incidents, otherwise, perhaps, commonplace enough, to write occasionally a descriptive letter about them."<sup>24</sup>

It is not surprising, therefore, that the journals contain from time to time accounts of the arrest, imprisonment or detention of correspondents whose activities bore too much of that "disagreeable resemblance" to those of a spy. The arrest of a London Standard correspondent is a case in point; "The writer [of the account] is an Irishman," the Irish Times noted, "and tells his tale with considerable humour."<sup>25</sup> While Davin alluded on later occasions<sup>26</sup> to unfortunate mistakes such as this, he never identified himself as a victim, although he might well have been. Such an episode would have been regarded as a blot on a journalists's copybook which time and silence ought to be allowed, hopefully, to erase. The Irish Times in fact denounced those journalists who had been arrested by the French as

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23 Irish Times (Dublin), July 22, 1870, p.5, "The War."

24 Ibid., July 28, 1870, p.2, "Difficulties."

25 Ibid., p.5, "French Treatment of English 'Specials.'"

26 See below Chapter 3.



men who had "transgressed the ordinary rules of society." "The journals who have sent out military men and gentlemen to represent them at the French army have not had the slightest reason to complain of discourtesy or interference." "To send out a mere penny-a-liner to gather up rumours and manufacture news for several papers is to expose the unhappy person to difficulty and insult."<sup>27</sup> Under no circumstances could Davin ever admit to being "a mere penny-a-liner."

The story is told, however, of how Davin once assisted an American salesman who had approached a French officer hoping to sell him five thousand uniforms. The Frenchman was not in the least interested, but when the enterprising American switched his line of goods and offered five thousand coffins, the official's sense of humour was touched, and a deal for the uniforms was satisfactorily closed. Some months later Davin received a cheque for his services as translator in these rather delicate negotiations.<sup>28</sup> His vivid account of the Battle of Gravelotte always impressed his audiences. From a hilltop vantage point he and some other correspondents had watched the French infantry repel charge after charge of German cavalry in what was almost a re-enactment of the Charge of the Light Brigade. They had felt the ground shake as the horses thundered across the plain, and they had seen the decimated squadrons reappear from the smoke of the battle upon the bugle's command to make way for the next attack.<sup>29</sup> At Saarbrücken, Metz, Sedan and elsewhere Davin had been an eyewitness to the "most desperate attacks, horrible hand-to-hand struggles,

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27 Irish Times (Dublin), Aug. 4, 1870, p.4.

28 Stubbs, op.cit., p.3.

29 Z.M. Hamilton, "Founder of Leader Known Across Canada as Statesman," Leader-Post (Regina), Mar. 1, 1933.



defeats, splendid though disastrous cavalry charges, brilliant strategic manoeuvres and [he had] walked at all hours of day and night over the grounds where men lay piled six feet deep, and saw sights that seared the memory."<sup>30</sup>

This, then, is the background against which the figure of Nicholas Flood Davin flashes in anecdote and allusion while remaining indistinct and blurred through want of evidence. According to an account he gave an audience in Hamilton, Ontario, "he followed the war from the beginning to the end," "from point to point, from field to field and from carnage to carnage" until the final surrender at Sedan.<sup>31</sup> Yet in this same account he claimed that when the war broke out "he had been for a long time a resident of Paris, having been an editor of a French journal there." There are obvious difficulties in distinguishing the embroidery from the fabric. Again, it is commonly accepted that he was wounded at the siege of Montmédy,<sup>32</sup> yet once more there is a lack of detail and corroboration. A later acquaintance claimed that Davin had escaped from Paris by balloon,<sup>33</sup> and while Davin himself made no such claim, his writings contain allusions to his experience in Paris under siege,<sup>34</sup> and in his long poem, "Eos: An Epic of the Dawn,"

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30 Evening Times (Hamilton), Apr. 18, 1873, "The Franco-Prussian War."

31 Ibid.

32 Stubbs, op.cit., p.2.

33 J.R.C. Honeyman, "The Regina Leader," The Story of the Press, (Battleford, 1928), p.66.

34 See for example Nicholas Flood Davin, The Irishman in Canada, (Toronto, 1877), p.84, where Davin compares the atmosphere in Quebec in 1759 with Paris in 1870.



he develops an elaborate aerial description of Paris and other cities which he claims was checked against the accounts of balloonists.<sup>35</sup> There is a hint of plausibility about it all, yet the facts are too obscure to permit a reconstruction of his battlefield experiences. Suffice it to say, Davin was there.

One item of some substance arising from his Franco-Prussian War experience can be identified as coming from Davin's pen, however: an article entitled "France and Germany" published in The Westminster Review early in 1871.<sup>36</sup> In it he sought to answer those questions which had shocked and disturbed observers of the war, and in doing so he demonstrated a certain flair for political and historical analysis.

How is it [he asked] that France found herself so unprepared for a struggle with Germany? How is it that her spirits sank so low and so rapidly at the shock of the first disaster? How is it that, with honourable and splendid exceptions, her soldiers have not displayed their ancient valour? How is it that in the very height of national shame and disaster Frenchmen have evinced a levity that struck onlookers with a feeling of disgust akin to that we should experience at seeing a man dance a hornpipe on his mother's grave?<sup>37</sup>

He found his answers not merely in the "incapacity" of French generals or the "demented diplomacy" of Napoleon, but in "great causes long operating, silently but surely ... eating away evermore the base on which the greatness of the French character reposed." Basically, he concluded that

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35 Nicholas Flood Davin, Eos: An Epic of the Dawn and other Poems, (Regina, 1889), Preface.

36 [Nicholas Flood Davin], "France and Germany," The Westminster Review, NS Vol. 39, No. 1, 1871, pp.160-209. The author is not identified, but on the title page to Mr. Davin on "Fanning in Church" and Addison and Steele on the Use of the Fan, Davin claims authorship. Moreover, the style and substance of the article place the matter of authorship beyond dispute.

37 This and succeeding quotations are drawn from [Davin], "France and Germany."



the French defeat arose from "the inevitable assertion of the supremacy of superiority of race. The sabre of France," he wrote, "even though it be ... of sharper edge and finer temper, is no match for the weighty sword of Germany ...."

Since the material resources of France and Germany were about the same with perhaps a slight geographical advantage in favour of France, only some "grave moral reason would account for the hopeless prostration of the latter." He cited evidence of this moral decay at all levels of French society: the troops were ill disciplined; the officers were incompetent; the civilian population was lacking in determination; and the Emperor showed only "the very feeblest capacity to understand the situation." The disaster could not be attributed solely to the incapacity of Napoleon, however, for "No people can separate themselves from the conduct of their rulers, especially if they have deliberately chosen them three times successively." In the final analysis, therefore, Napoleon's incompetence and the shocking venality of the people were but symptoms of a deeper affliction: "France, which has done so much to enlighten mankind, and has led the van in more than one field of science, whose grace and wit have charmed the world, has never learned the art of government." Unlike England, where "the monarchic, the aristocratic, the religious, and the democratic principles have been in contention from earliest times" resulting in "that capacity for government which is the admiration of mankind," France had simply exchanged the heavy hand of feudalism for the crushing centralization of the Napoleonic system which, "by destroying public spirit, depriving men of a schooling in the art of government, entailing grave social evils by meddling laws, gives us the real cue [sic] to what we now see." Lacking this freedom in local affairs, this experience in governing



themselves, the French people fell victim to a succession of tyrants, and Napoleon III, although a constitutional king, "sought, so to speak, to creep to despotism," the framework of which he found ready to his hand.

Even had the French been better instructed in the arts of government, the Celtic temperament was, in Davin's view, quite unsuited "to modern scientific warfare."

-- [The French] are wanting in the coolness of men who can die doing their duty, and for duty's sake. This is one of the greatest defects in the French character. The very idea of duty seems wanting. Without this men may make dashing charges or a brilliant stand, but when they fancy they are unobserved, when there is no éclat to be gained -- the motive force of French action -- vanity, becomes powerless, and saue qui peut becomes the order of the day.

The Germans, on the other hand, enjoyed an advantage over the French derived from both their history and their character. They had, he claimed, "always manifested a bold free spirit," preserved, in part at least, by the influence of the free cities and the variety of the Holy Roman Empire:

The Holy Roman Empire, chaotic and illogical in its structure, had great advantages that were not found under a more symmetrical rule. As in England, from other causes, there were in Germany richer and more various elements of civilization than in France. A combative and independent spirit was preserved. The idea of right was never crushed out of the people's mind .... [And while the German peasant was willing to serve], he would serve in accordance with ancient contract and not modern caprice.

This sturdy spirit was to be seen everywhere in Germany, and "especially in resistance to the greatest tyranny which has ever dominated the wills of men, and which has never entirely recovered from the blow dealt it by a German monk." "That spirit of revolt ... is to be accounted for, certainly to some extent, by their history -- by their advantageous antecedents. But we fear we must go farther than this, and trace it also to the fact that they were the same great race which, under another name, and with a dash of lambent Celtic fire in it, has subdued the world."



Yet withal, Davin did not completely give up hope for the future of France, nor did he hesitate to confess a certain mistrust of German leadership. He saw that there was in France a store of moral wealth untainted by the influence of imperial rule, while the "stern shadow" of Bismarck, for whom he had "a wholesome dread," stretched over the future of Germany. Meanwhile, he concluded, although the balance of power had shifted, Britain need no more fear a united Germany than the France of Louis Philippe and Napoleon III, for Russia remained a greater threat to Germany than Germany to Britain.

Each empire is the fit complement of each -- Germany able to supply a resistless army, England to furnish a resistless fleet -- both united might defy any combination, and frown down in their early beginnings ambitious attempts to disturb the tranquillity of the world.

Davin had come a long way in the five years since leaving Ireland. He was now a member of the English bar; he was an experienced journalist with a sound background in British politics; and he had travelled abroad. He had achieved more than a mastery of the technical skills of the reporter; he had demonstrated an admirable professional technique and an analytical turn of mind. Well educated, fully trained, and with a demonstrated competence as a journalist, the time had come for him to develop his skills on the level of the master craftsman. While he may have returned temporarily to his place in the parliamentary Press Gallery, he had concluded that the increasing demands for verbatim reports had already introduced into the gallery a class of reporters who, in his view, were little better than "mere stenographers," and he was convinced that even at the best of times the reporter's profession would eventually "prove fatal in its influence on the most valuable attributes of the mind."<sup>38</sup> Consequently, he

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<sup>38</sup> Davin, "The London and Canadian Press," p.125.



answered the following advertisement which appeared in The Athenaeum of October 28, 1871:

NEWSPAPER PRESS -- WANTED, for a Conservative Daily Paper in Belfast, a COMPETENT EDITOR. Salary 400 l. a year, to rise according to circumstances. -- Address, stating qualifications, the Editor of the Daily Express, Parliament Street, Dublin.<sup>39</sup>

Upon the recommendation of a Mr. Robinson of the Daily Express, Davin was accepted as editor of the Belfast Times, a new daily scheduled to commence publication in January of 1872.<sup>40</sup> He arrived in Belfast to take up his duties in early December 1871, having been engaged for one year, after which the engagement could be terminated by either party upon three-months' notice.

The Belfast Times was a new business venture for two druggists of that city, Messrs. Clarke and McMullen. Associated with them in the enterprise was a printer named Andrews and an Andrew Millar, a young man in the employ of the principal proprietors who had a little capital of his own. Being unfamiliar with the newspaper business, they had requested assistance from a Dublin journalist in choosing an editor, and Davin had been recommended to them from amongst several applicants. However, Davin had been under the impression that the position being offered was one on the staff of the Belfast News-Letter, an old Conservative journal founded in the 1730s and representing the Protestant establishment of Belfast, the landed gentry and aristocracy. He expected to fit very comfortably into the environment, being, in his own words, "not a Tory, but a Conservative of the type of Lord Derby." In the event, he found himself in quite a

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39 The Athenaeum, Oct. 28, 1871.

40 The details of Davin's career as editor of the Belfast Times have been drawn from Belfast News-Letter, June 13, 1872, "Dublin Law Courts"; ibid., June 19, 1872, "Mr. Davin's Editorship of the Belfast Times"; and ibid., Aug. 9, 1872, "Libel Action."



different situation, for Messrs. Clarke and McMullen were hopeful of addressing their journal to the new political force of Belfast enfranchised under the £4 franchise of 1867. This force consisted generally of the more prosperous section of the working class which, if anything, and especially in Ulster, was inclined to be somewhat less Conservative and considerably more Tory in outlook than either Derby or Disraeli or Davin.

Trouble arose almost from the beginning. In the first place, Clarke and McMullen proved not to be the substantial businessmen which Davin had been led to believe, and the editorship of the Belfast Times consequently did not give him an entrée into that class of society to which he aspired. "The great men of Belfast" to whom Mr. Clarke promised to introduce the new editor, turned out to be, in Davin's description, a pig-jobber and a publican. If in fact the pig-jobber was the proprietor of a meat-packing business, and the publican a greengrocer and spirit dealer, they nevertheless moved in a society such as, Davin wrote later with his tongue in cheek, "I am bound to say I was never in before, and such as I can never again expect to enter." Looking back on this introduction to Belfast "society" and upon the high hopes he had entertained for his new venture, Davin cried -- to himself to be sure -- "Quel rêve, mon Dieu, quel rêve." His distaste for his new-found associates must have been clearly evident, for he was pointedly told of another editor who had "quite ruined himself, because he only associated with 'snobs' -- a word which, I afterwards was able to understand as applicable only to the respectable portion of the Belfast community."

In the second place, Davin found that his editorial work was to be supervised by the proprietors. They may, understandably enough, have felt that a London editor could not be sufficiently versed in local politics to be given a completely free hand; or that Davin, a stranger amongst them, might hold political views at variance with their own; or



that a mere employee could easily decamp leaving them responsible for a serious libel. However valid their reasons, Davin found such supervision by men who were so obviously his literary inferiors to be distasteful, and he fought vigorously for his editorial independence. So serious did this issue become that the proprietors at one point considered paying Davin off and replacing him. This solution was actually suggested to Davin -- he later wished that he had "closed with that offer" -- but he concluded it would be dishonourable on his part to leave the paper at that stage. The proprietors, meanwhile, had been advised by their man in Dublin that another editor could be obtained, but not one who "will write as good articles as Mr. Davin." Furthermore, the Times under Davin's editorship was quite well received in Belfast. A local clergyman wrote to say: "I congratulate you most heartily on your début. It is in every way successful. Your writing excels anything I can see in Belfast at present." Davin and his employers therefore decided to hold on a little longer, hoping it could be shown that, as Davin put it, "our differences are not real but technical."

The differences proved, however, to be very real, extending from questions of staff and advertising to editorial policy. It was Mr. Clarke with whom Davin had his most serious encounters. Mr. Clarke, for example, was in favour of ignoring the issue of the ballot. Davin persuaded the other proprietors that no self-respecting journal could refuse to take a stand on one of the burning questions of the day, and although Clarke denied any dissension amongst the proprietors or animosity on his part as a result, Davin maintained that Clarke never forgave him for this "defeat." On another occasion Clarke suggested to Davin that he write a criticism of a judgement handed down in police court by Samuel McCausland and James Alexander Henderson, J.P., and it was even suggested that the article be headed "Justices' Justice". In the note in which he



conveyed his suggestion, or "order," to his editor, Mr. Clarke offered the opinion the "Mr. McCausland is a very stupid old man; and Mr. James Alex. Henderson is very little better." Claiming that Clarke was wrong in attacking the judgement referred to, "that no legal mind can have a doubt as to the correctness of the decision," and that the Times, moreover, had decided against the use of headings, Davin did not write the piece. It is pertinent to an understanding of Clarke's vindictiveness over a relatively minor police court matter as well as to Davin's stubbornness in seeking refuge in what was later shown to be bad law, to note that James Alexander Henderson, J.P., was in fact the proprietor of the Belfast News-Letter. He was therefore Clarke's rival and the employer by whom Davin would have preferred to have been engaged. There is obviously more to the dispute between Davin and Clarke than meets the eye.

To this series of incidents -- all within a four-month period -- there was added Davin's periodic incapacity as a result of his drinking habits. The proprietors had seen fit to warn him on at least one occasion, but to no avail. On May 1, 1872, according to report, Davin, being "so drunk as to be unable to write anything for the paper," clipped an article he had written for the Sheffield Independent in November 1871, and ran it again in the Belfast Times. He was, accordingly, dismissed. Davin's version was somewhat different. It was generally acknowledged, so he claimed, that the "duel" was between Clarke and himself. He was dismissed "almost contemporaneously with the cessation of the old paper and the old proprietary." The printers had been given a fortnight's notice the previous day, and the Belfast Times was to be reorganized as the Belfast Daily Times with Clarke, if Davin's account is to be accepted, presumably exercising majority control. Consequently, Davin entered suit in the Court of Queen's Bench at Dublin against Mr. Clarke for the recovery of



£600 damages for alleged wrongful dismissal. When the case opened on June 11, 1872, counsel for the defendants "moved for liberty to plead several defences, and a plea justifying the dismissal." Davin suspected, probably with some justification, that this was a delaying tactic designed to force him to a settlement rather than wait, perhaps until as late as November, and "imperil opportunities of literary and journalistic work in London." He did in fact settle for £50 which Clarke offered on the advice of his lawyers who argued that no matter what decision was handed down, Clarke would be the loser, for Davin would never be able to pay the costs. On the other hand, it could have been worse. Davin had been engaged for a year at £400; he had completed five-twelfths of his contract and might have expected, at most, the remaining seven-twelfths of his salary, namely some £230. However, he was obligated in law to minimize his damages, in this case by seeking other employment, and he settled for six weeks' salary. The settlement was not unreasonable and by no means represents an admission of fault on Davin's part.

Still Davin had to have the last word. The following week he gave vent to his anger and disappointment in a letter addressed to the editor of the News-Letter and published in the columns of that journal on June 19.

Sir -- [the letter began] -- As an Editor of a paper in the provinces is, whether he likes it or not, a public man, and as the paper I edited -- that is to say, the Belfast Times (not the Belfast Daily Times) -- and the original proprietary practically ceased to have any existence with myself, of course, journalistically speaking, it is not impertinent on my part, nor can it be unbecoming in any possible way (the case between myself and the Belfast Times proprietary being settled), that I should address a letter to a leading organ of opinion, sweeping aside misrepresentations and explaining the difficulties with which I had to contend.

He then went on to detail the sorry history of his brief association with Mr. Clarke and his fellow proprietors, concluding that it was, with



Clarke, "a case of Achilles' wrath; and of an Achilles at least thus far classical that he was not to be moved by any of his colleagues from his path of revenge." The Editor of the News-Letter appended the following editorial note to this epistle: "While publishing the letter, at the request of the gentleman aggrieved, -- [the News-Letter was apparently ready to recognize Davin's grievance] -- we disclaim all personal feeling in the matter, having no language to express our contempt for such rivalry." The allusion was clearly to the rivalry between the two journals, that is, between Clarke and Henderson.

Davin's letter became the cause of a libel action brought by Clarke against Henderson in the amount of £5000. The plaintiff's case was set out in detail, and Mr. Clarke was examined. Counsel for the defence chose not to call the defendant for examination, relying instead on argument alone to refute the charge that the publication of Davin's letter was "calculated ... to bring the subject matter of it ... into hatred, ridicule, or contempt." The jury agreed that the letter was a libel, but at first could not agree as to damages. Having thus reported to the court, they were sent back, and fifteen minutes later announced finally that they had "found for the plaintiff on all the issues, with £50 damages." In view of the initial claim for damages in the amount of £5000, the award was something of a slap in the face for the plaintiff who had suffered, so it would appear, a mere technical and far from damaging libel.

Nevertheless, this must indeed have been a traumatic experience for Davin. He had had the benefit of a sound classical education; he was a member of the English bar; he had an acknowledged literary talent and some editorial experience; and as a journalist he had undergone a demanding apprenticeship in the Press Gallery and on the battlefield; but in that summer of 1872, when he was within months of his thirty-third birthday, he was



yet unemployed. His pride, which he came by honestly, was severely injured; his ambition, which he shared in common with the descendants of Denis and Kate Davin, was frustrated; but the Davin instinct to compete -- the survival instinct in fact -- had been sharpened. Would this be enough to overcome any repressed feeling of inferiority which an "orphan" boy, an Irish scholar in search of a career at the English bar, or an unknown short-hand reporter or occasional correspondent might have experienced and which might have led him with unfortunate frequency to seek refuge in drink? Perhaps, but not in London. He had tried it there for almost eight years. Yet he returned to London that summer, having been injured in a riding accident,<sup>41</sup> where he arranged for himself a special assignment with the Pall Mall Gazette. He was to go to Canada whence he was to report on Canadian affairs. Whether he admitted it or not, Davin was following the path of thousands of his countrymen who had sought in the New World some redress of the grievances of the Old. He was following in particular, as it turned out, the path of Thomas D'Arcy McGee who in an earlier generation had contributed his considerable talents to the politics and statecraft of the young Dominion.

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41 The details of this accident are not clear. Saxby, West-Nor'-West, p.66, says Davin was thrown from his horse while riding with the troops during the Franco-Prussian War; Stubbs, op.cit., p.3, says that Davin was an ardent huntsman, and in July of 1872 was injured by a fall from his horse. Saxby's account may refer to the wound Davin reputedly received at Montmédy. While neither Saxby nor Stubbs deals with the Belfast episode, Stubbs is more likely correct, since the date coincides with events in Belfast, although it is unlikely Davin would have been hunting in July.



## CHAPTER III

### TORONTO AND THE MAKING OF A CANADIAN

When Davin arrived in Canada in July of 1872 the new Dominion had just celebrated its fifth birthday. The American Civil War had demonstrated with awesome clarity the dangerous and uncertain future lying ahead of the fragmented and exposed British colonies, and Confederation, achieved on July 1, 1867, uniting the Canadas, Nova Scotia and New Brunswick in a federal union, had been the response of British Americans to this very real threat from south of the border. With the threat of absorption by the American Republic continuing to act as a catalyst, and with its St. Lawrence and Maritime base barely secure, the young Dominion almost immediately began to implement its own version of Manifest Destiny. The transfer of Rupert's Land and the Northwestern Territory from the Hudson's Bay Company to the Dominion of Canada was completed on July 15, 1870, with the entry into Confederation of Manitoba and the acquisition of the adjacent North-West Territories. However, the extension of Canada's writ through the former domain of the Indian and fur trader westward to the Rocky Mountains had been achieved at the expense of a subtle distortion of the delicate balance struck in 1867 between French and English, Catholic and Protestant, Ontario and Quebec. Moreover, it had been achieved under the shadow of the eagle hovering over Red River.

When the Canadian government had at length worked its way out of these difficulties, it turned its attention to the British colonists on the Pacific slope who had for some time been living under the shadow of the American eagle, and who, isolated from other British subjects by thousands of miles of mountain, prairie and forest, were by no means certain that their future lay with British America. However, a deterior-



ating economy, local agitation, the unionist sympathies of Lieutenant Governor Musgrave, and the offer of generous terms, including a trans-continental railway, swung the balance, and British Columbia had become the sixth province in Confederation on July 20, 1871.

By this time Newfoundland had spoken decisively against Confederation. Prince Edward Island, on the other hand, after a brief flirtation with the United States in 1869 which seriously alarmed Canadian authorities, found itself embarrassed by railroad debt, and in 1873 completed an agreement with Ottawa and entered Confederation on July 1 of that year. Thus the physical process of Confederation was within a twelve-month of completion when Davin arrived in Toronto in July 1872, but the Dominion of Canada was still more a "geographical expression" than a national entity. Very serious problems remained to be solved.

Foremost amongst these problems was Canada's relationship with Britain and the United States who themselves were on anything but friendly terms. American hostility towards Canada was made abundantly clear: Manifest Destiny was as much a touchstone of American policy in the years after 1867 as it had been in 1848; the Alaska Purchase in 1867 was indeed an omen of the American attitude towards Canada in its infant years; the American proposal that Canada should be ceded to the United States in satisfaction of the Alabama claims had not been made in jest; and the Fenian Raids on Canada in 1866 and 1870, although not condoned by Washington, had not, on the other hand, been officially condemned. Britain's response to this aggressive American posture was an apparent indifference, and Canadians had the distinct impression that Britain, in a disastrous fit of absence of mind, might be only too happy to give away its North American possessions if only to rid itself of the American problem. Indeed the Treaty of Washington, negotiated in 1871, seemed to make just



this point. So anxious were the British commissioners to ease the tense relationships with the United States that they agreed to hand the Alabama claims over to international arbitration and the Canadian fisheries over to the Americans, not in return for trade concessions which the Canadians badly needed after the abrogation of reciprocity in 1866, but for a cash payment. While the long view might suggest that Canada benefitted from an easing of Anglo-American tensions, and that the provision for ratification of the treaty by the Canadian Parliament represented tacit American recognition of the Dominion, the short view made it clear that Canada was on her own and could expect little assistance from Britain or sympathy from the United States.

The American presence was felt in other ways as well. American capital was only too willing to penetrate the Canadian economy, particularly in support of railway projects which were the essential bonds of national unity. Yet Americans, whether financiers or filibusterers, had an implicit faith in the doctrine of Manifest Destiny. At the same time, the population of the Canadian provinces felt the pull of the United States. While Canadians en masse might be prepared to resist American intrusion, individual Canadians showed little hesitation to follow opportunity south of the border. The statesmen of 1867 had created a political union of British North America, but their creation had not yet produced either a Canadian economic unity or a sense of Canadian identity.

Regional loyalty, urbanization, and its prestige as the provincial capital all contributed to the growing importance of Toronto in the 1870s.<sup>1</sup> The population, which had reached 56,000 in 1870 and which was to continue to grow during the decade, was almost exclusively English-speaking.

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1 For an account of Toronto in the 1870s see D.C. Masters, The Rise of Toronto, 1850-1890, (Toronto, 1947), Chapters 4 and 5.



The growth in population did not, however, substantially alter the city's class structure, although the rising middle-class merchants and professional men were gradually finding places for themselves amongst the older families. These upper classes set the tone of Toronto society -- clearly imitative of a European aristocracy -- and within the Establishment of the Church, the military, the Bench and the university, the Tory element predominated. At the other end of the scale, life was far from attractive. Vice, drunkenness, crime and deplorable housing and sanitation reflected the rapid growth and industrialization of the metropolis.

The economy was buoyant in the early 1870s; the crash of 1873 and the ensuing depression in the United States was not to be felt in Toronto until the middle of the decade. Building and renovation were changing the face of the city: homes and office buildings; railway stations and warehouses; hotels, theatres, stores and public halls were under construction or remodelling in these years. Timothy Eaton established his dry goods business in Toronto in 1868, and Robert Simpson followed in 1872. Wholesale and manufacturing continued to concentrate in the Toronto area, and railroad construction constantly extended the Toronto hinterland. Toronto's burgeoning economy of this period brought into sharp focus the city's old rivalry with Montreal, long the undisputed metropolis of British North America; the late sixties and early seventies was a period of intense competition between Toronto and Montreal for control of Canadian banking and railroads which were themselves the keys to the Canadian economy. At the same time, however, Toronto's rapid economic growth revealed certain basic divisions of interest between the industrialists, who as early as 1870 were beginning to think in terms of a protective tariff, and those whose fortunes were linked to a concept of Canada as an exporter of raw materials with only a limited industrial potential of its own. Similarly, during this



period the labour movement began to reflect the growing self-consciousness of the working classes.

Politics in Toronto during the 1870s reflected the whole range of economic and social issues. The Establishment was closely allied with the Conservative party, but the Reform movement commanded a strong, cohesive following quite able to prevent the balance from swinging overwhelmingly in favour of the Tories. Political affiliations were somewhat obscured by economic interest; while the Liberals were, almost by definition, the party of free trade, the Tories were not overtly protectionist until later in the decade; if Brown and the Globe, speaking in the Liberal interest, were philosophically opposed to trade unions as anything more than benevolent societies, Macdonald's trade union bill of 1872 was a rather limited exercise in Tory democracy; and if Macdonald considered it expedient to bend his energies towards developing a political alliance between the French Catholics of Quebec and the Anglo-Saxon Protestants of Ontario, Toronto Tories took second place to no Liberal in their denunciation of Riel and his Red River "murderers." The fact was that Torontonians, Grit and Tory, shared the basic conservatism of Canadians, and Toronto opinion, whether Liberal or Conservative, was anti-French, anti-Catholic, anti-American and strongly pro-British.

The newspapers of Toronto rang the changes on these themes with variations determined by the politics of their publishers. In the early 1870s Toronto was served by the Daily Telegraph, "a mere blackmail paper"<sup>2</sup> in Macdonald's words, the Express, founded in 1871, the Leader, again according to Macdonald, "so completely run down as to be of no

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2 Quoted in Donald Creighton, John A. Macdonald: The Old Chieftain, (Toronto, 1955), p.116.



value ....,"<sup>3</sup> the Mail, founded in 1872 in the interests of the Conservative party, and above all, the Globe, the oldest and most substantial of the lot, the organ of George Brown and Canadian Liberalism.

The pre-eminence of the Toronto Globe in Canadian journalism would in itself have been sufficient reason for an immigrant newspaperman to seek employment with that paper: it was the only Canadian paper Davin knew.<sup>4</sup> In addition, however, Davin was acquainted with one of the Globe editors, Mr. A.H. Dymond, who had been general manager of the London Star while Davin was a Press Gallery correspondent. It so happened that there was a post available on the Globe in the summer of 1872 which another applicant, a Mr. F. Mallet, had come to Canada expecting to fill. Mallet, however, so he wrote later to the publisher of the Mail, had arrived to find "a Mr. Davin presenting himself for the vacant post at the same moment, and he, proving to be a personal friend and old colleague of Mr. Dymond's, was appointed over my head."<sup>5</sup> In such a manner did a self-confessed Conservative "of the type of Lord Derby" join the editorial staff of the leading organ of Canadian Liberal opinion. Still Canadian Liberals were anything but radical, and Davin's conservatism had not prevented him from serving a term on a London paper of avowed radical sympathies. He was quite prepared, in the best traditions of journalism of his day, to submerge his personality and his politics in those of his paper -- for a time at least.

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3 Ibid.

4 Regina Leader, Feb. 8, 1887, "Saturday's Meeting."

5 F. Mallet to T.C. Patteson, Nov. 11, 1872, Archives of Ontario, The T.C. Patteson Papers. This letter, which speaks of Davin as a friend and colleague of Mr. Dymond, is almost conclusive evidence to support the contention that Davin had been on the parliamentary staff of the London Star. See above Chapter 2.



A federal election campaign was in full swing when Davin joined the Globe that summer. George Brown himself had come out of qualified retirement to write leader, manage the paper and run the Liberal campaign.<sup>6</sup> Mr. Dymond was in demand as a platform speaker, and the hard-pressed editorial staff which included William Inglis, C.D. Barr and William Houston, were consequently "very glad to have Mr. Davin as a colleague .... He contributed an editorial element of which none of the others were capable, and which they had not leisure or opportunity to cultivate."<sup>7</sup> Davin very quickly became the "life of the office." His broad experience gave him a many-faceted view of life, and his high spirits, mastery of expression and talent for mimicry made him a lively entertainer.<sup>8</sup> His editorial responsibilities were probably confined to literary criticism and book reviews together with English rather than Canadian politics, but there is no doubt he was an interested observer of the campaign. He may even have been present in the Music Hall on July 11 when the Toronto Trades Assembly presented an address to John A. Macdonald in reply to which the Prime Minister had described himself as a "practical mechanic," "a pretty good joiner" and experienced at "cabinet making."<sup>9</sup> Davin must certainly have enjoyed the dénouement when it was revealed in the Globe that the whole affair had been "a well-engineered Conservative election rally."<sup>10</sup> It was really an exciting

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6 J.M.S. Careless, Brown of the Globe, 2 vols., (Toronto, 1963), Vol. 2, p.298.

7 Globe (Toronto), Oct. 22, 1901, "The Late Mr. Davin."

8 Ibid.

9 Masters, op.cit., pp.108-9.

10 Careless, op.cit., p.297.



time for a political journalist to have arrived in Toronto, for with the issue of the election writs on July 15, all the burning questions of Canadian politics were under review: the Grits were being tarred as anti-labour, and were responding with the charge that the Conservative labour law was a mere election trick; the Treaty of Washington had raised the whole issue of protection versus free trade; the Riel case, with its sinister racial and religious portents, was far from dead; and the Pacific railway matter was very much alive. Moreover, the Globe office, serving as Grit campaign headquarters, was a hive of election activity, and Davin was sure to have been caught up in the excitement, particularly on the night of August 28 when it was learned that Cartier had been defeated in Montreal East. The Globe office was illuminated that night; there was a procession with bands and rockets; and George Brown spoke to the celebrating throng from the balcony.<sup>11</sup> There was excitement ahead, too, for when the election was over in September it was clear that the government had been returned by the slightest of margins and Macdonald might not be able to survive in the House.<sup>12</sup>

This sort of excitement was only spasmodic, however, and Davin, as a newcomer to Toronto and a junior editor, could be little more than an observer. Yet to settle quietly on the periphery of events, to be content forever with the anonymity of journalism, was to shun opportunity, and this was clearly not Davin's way; he would seek opportunity where it was to be found; he would devote what talents he had to finding his place in the sun of Canadian life. How many Toronto journalists, for example, had covered the Franco-Prussian War? How many political writers in Canada had learned their craft in the Press Gallery of the House of Commons at Westminster?

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<sup>11</sup> Ibid., p.298.

<sup>12</sup> Ibid., pp.299-300.



How many Canadian newspapermen were barristers of the Middle Temple? How many were at ease, nay eloquent on the public platform? These talents were in demand in the community in an age when the public lecture was at once a vehicle for both entertainment and education. Almost any issue of a Toronto newspaper ran a list of "Meetings to be Held," and audiences were offered lectures on topics ranging from geology and chemistry through philology to sociology and history. There were literary evenings, penny readings, talks on "The Irish Question" or "Scotland's Hero Martyrs," and of course a lecture on "Romanism" was bound to draw a substantial audience from the local Orange brotherhood. Sunday sermons were advertised -- and frequently reported -- and clergymen regularly offered weeknight audiences a selection of theological dissertations ranging from alpha to omega under rather ordinary titles such as "The Creation of the Universe" or the somewhat more imaginative and intriguing subject of "The Male and the Female and Sex After Death."

Davin's first appearance before a Canadian audience was in the recently opened Shaftesbury Hall, Toronto, on February 25, 1873. He was advertised to lecture on "Thomas Moore and His Poetry" and he would, the city columnist wrote, "endeavour to assign Moore his proper place among writers of English poetry."<sup>13</sup> It was, perhaps, unfortunate that Miss Lillian Edgerton was billed in the Music Hall that same night in the Star Lecture Series with a lecture entitled "Something Better for Women than the Ballot."<sup>14</sup> Nevertheless, Davin drew "a large and respectable audience."<sup>15</sup> He delivered

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<sup>13</sup> Globe (Toronto), Feb. 25, 1873, p.1, "City News."

<sup>14</sup> Ibid.

<sup>15</sup> This and succeeding quotations are drawn from Globe (Toronto), Feb. 26, 1873, p.1, "Moore and his Poetry."



his address with only the occasional reference to notes, and employed gestures "with much judiciousness". Moore, he began, had been born in Dublin on May 28, 1770, and although he claimed to have been influenced by the revolutionary atmosphere in that city at the time of his birth, Davin could find no evidence of it in Moore's "gay epicurean nature." His mother had made a "showchild" of him because of his obvious poetic gifts, and Moore had consequently found himself at an early age moving in high English society. In Davin's view, Moore's melodies were his greatest works; he was an "exquisite lyricist"; and although much of his work influenced other English authors such as Thackeray, he yet lacked "the fire and energy of a great poet --- the love of love, the hate of hate, the scorn of scorn." "His muse," he went on, "had too much of the drawing-room young lady about her ...."

Mr. Davin, [the Globe's report concluded] judging him by last night's effort, may claim rank with the best lecturers that have appeared in Toronto for some time. His articulation is distinct and his voice is of such a quality that through all its various modulations every word he uttered was clearly audible in every portion of the hall .... In addition to his other qualifications, Mr. Davin is an excellent elocutionist as was evident from the dramatic force with which he recited a trying passage from "Lalla Rookh." The lecture indicated an intimate acquaintance on the part of its author with the life and writings of Erin's laureate. It abounded in periods in which flights of true eloquence were reached, and though extempore ... it did not seem, judging from the manner in which it was delivered, to have been committed to memory.

The reporter's opinion was shared by the audience. The Rev. Dr. John McCaul, classical scholar and president of University College, who had known Moore and his family, was in the audience, and later paid his own tribute to Davin's accurate and eloquent evaluation.<sup>16</sup> This was the beginning.

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<sup>16</sup> Ibid., Apr. 21, 1873, p.4, "British vs American Civilization."



The Franco-Prussian War was the subject of Davin's next public lecture which was delivered in the Mechanics Hall, Hamilton, on April 17, 1873. The lecture was to be offered to Toronto audiences on April 21, and in the advertising columns of the Globe Davin was billed as "an eye-witness"<sup>17</sup> and as one "who went through the whole campaign."<sup>18</sup> The city news reporter drew his readers' attention to the forthcoming lecture, and reminded them that "Those who heard Mr. Davin's lecture at Shaftesbury Hall will know that, as a lecturer, he is entitled to a place in the front rank." He went on to say that Davin had been a correspondent on the French side during the campaign, and would "give his impressions of the exciting scenes he witnessed, together with much humorous matter respecting the adventures of the body of correspondents who found it so difficult to elude French vigilance, and who were always in danger of being arrested as Prussian spies."<sup>19</sup> However, before this lecture could be delivered in Toronto certain events transpired which brought Davin to the public platform for quite a different purpose.

The Lecture Committee of the Young Men's Christian Association announced on April 9, 1873, that the Rev. Dr. Ormiston had had to withdraw from the YMCA lecture course, but that his place would be taken by the Rev. O.H. Tiffany.<sup>20</sup> Dr. Tiffany was an American clergyman from New York who was in Toronto to "deliver his celebrated lecture on Moses, the Great Law Giver, in the Metropolitan [Wesleyan Methodist] church."<sup>21</sup>

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17 Ibid., April 4, 1873, p.2, "Meetings to be Held."

18 Ibid., Apr. 19, 1873, p.2, "Amusements."

19 Ibid., Apr. 4, 1873, p.1, "City News."

20 Ibid., Apr. 9, 1873, p.4, "City News."

21 Ibid., Apr. 5, 1873, "Meetings to be Held."



Having agreed to take Ormiston's place in the lecture course sponsored by the YMCA, Tiffany spoke in Shaftesbury Hall on April 10 on "The New Civilization."

Tiffany undertook to develop the theme that Christianity had had a greater affect on civilization than any other religion.<sup>22</sup> He compared the personal freedom which existed in Christian countries with the conditions of slavery prevailing in Turkey, Egypt and Syria; and he contrasted the purity of the religious profession in England and Germany with the corruption and neglect of religion which was causing the decay of Popish nations. He then went on to examine the "New Civilization" as it was apparent "in the rise and progress of the United States." All events in American history were, he claimed, the "result of miraculous power." He cited the pilgrim fathers who laid the foundations, and he traced the theme through the Revolution and the Constitution which gave effect to the Christian doctrine of equality. While admitting certain weaknesses in American society, Tiffany looked forward hopefully to better days. There was no danger to the Republic; it had survived the Civil War and would go on to spread over the entire continent. Finally, he enumerated four essential elements of the "New Civilization": the claims of a non-working aristocracy must cease; there must be no privileged class; education must elevate the masses; and there must be a reverence for God. In conclusion, according to the Globe report, "The lecturer then asked the audience to bear with him while he uttered a brief panegyric on the American flag. The audience had patience and he uttered it. This closed the lecture." The chairman, Mr. C.A. Morse, conscious of the rather cool reception afforded Dr. Tiffany, "proceeded to offer some apologetic observations on portions

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22 This account is drawn from ibid., Apr. 11, 1873, p.1, "'The New Civilization.'"



of the lecture," but the audience responded with a noisy demonstration "of an entirely good-humoured nature," and the chairman's remarks, which were intended to compliment the audience "on the exhibition of fair play they had shown," were lost.

The Globe was much less restrained than the audience in expressing its disapproval of this attempt to preach the annexationist gospel amongst Toronto's loyal subjects of Her Majesty. The Reverend Doctor was taken to task in an editorial with a decided Davin ring to it entitled "Dr. Tiffany's Spreadeagлизм."<sup>23</sup> The substance of the Globe's criticism was first that Tiffany had misled his audience. Since he had advertised his address under the title "The New Civilization," and since he was a distinguished minister of the Christian gospel, his audience might reasonably have expected him to describe some future golden age. But no! His lecture was a sheer outpouring of commonplace poured forth by the bushel and measured "not by the yard, but by the furlong." In the second place, the Globe was offended by what it considered the impropriety of a citizen of the United States addressing a Canadian audience as Tiffany had done. Dr. Tiffany, it appeared, called upon to lecture to the Young Men's Association, "had only one lecture in his carpet bag." He had had time to modify it, to send home for another or to compose a new one, but he did none of these things. Consequently, "we had on Thursday evening a spectacle of as egregiously bad taste as was ever witnessed -- and this is saying a good deal -- within the precincts of a popular lecture hall." Had Tiffany stated his topic correctly, he would have had a "perfect right to discuss any theories of government he thought fit," but he went beyond the bounds of propriety when, under the guise of his "imposing and

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<sup>23</sup> This account is drawn from ibid., Apr. 12, 1873, p.2, "Dr. Tiffany's Spreadeagлизм."



suggestive title" and on British soil, he addressed himself to an audience "owing allegiance to the British Crown, and attached to British institutions" on the subject of "the republicanism of America." Moreover, the lecture was a mere "réchauffé" of Fourth of July orations; it consisted of "talk and gush in the spirit of arrogant egotism ... about the American Constitution and the American flag." It did not stop even there; Tiffany had "hinted at annexation" and thereby intruded "a question which is offensive to the people of the Dominion, mooted by anybody, but which comes from the lips of a citizen of the Union with, to put it mildly, peculiarly bad grace and peculiar offensiveness." What is more, "He also drew a picture of the Cross in association with the American flag which arrogated a sacredness for that glorious piece of bunting that not a few would think profane." The Globe was not alone in its indignation. Under the heading "The Height of Impertinence," the Mail commented: "We do not hesitate to say that Dr. Tiffany's lecture was creditable neither to his industry nor his good taste ...."<sup>24</sup>

Almost immediately there was a move afoot to put up a speaker to reply to Dr. Tiffany. Davin was approached by certain "gentlemen of respectability and standing in Toronto"<sup>25</sup> -- so he described them -- and pressed to undertake the assignment. He was reluctant to do so, since he knew there were others more able, since his speaking commitments in Hamilton and Toronto and the pressures of his profession would leave him but little time to prepare, and since he "knew that his standing in the breach might seem inconsistent with that timid modesty which he shared

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<sup>24</sup> Mail (Toronto), Apr. 11, 1873, p.2, "The Height of Impertinence."

<sup>25</sup> Globe (Toronto), Apr. 21, 1873, p.4, "British vs American Civilization." These gentlemen were from the St. George's Society. See Nicholas Flood Davin, Strathcona Horse, (Ottawa, 1900), p.19.



in common with his countrymen."<sup>26</sup> However, he did not long resist the importunities of these "gentlemen of respectability and standing," and on April 14, the Globe announced that Davin would lecture in Shaftesbury Hall in reply to Dr. Tiffany's "spreadeagleism" [sic] on Saturday, April 19: admission twenty-five cents; gallery fifty cents.<sup>27</sup> However, there was a certain body of opinion in Toronto which felt that the proposed lecture represented a needless vendetta against the unfortunate Tiffany whose only mistake had been merely to forget where he was. "I have no sympathy with the Doctor's views," one Britannicus wrote to the Globe, "and rejoiced exceedingly to witness the dignified silence with which they were received by the audience, which surely was rebuke enough."<sup>28</sup>

This flurry of events, then, brought Davin to the platform in Shaftesbury Hall on Saturday, April 19, 1873, to address "a very intelligent and appreciative"<sup>29</sup> audience on the subject of "British vs American Civilization." His own role in these events is not entirely clear, however. There were apparently a few who suspected that he himself had made some attempt to shape the events in accordance with his own purposes, for he felt it necessary to disclaim any part in organizing the reply to Dr. Tiffany.<sup>30</sup> Still, the Rev. Dr. John McCaul, president of University College, had agreed to take the chair for the meeting; Dr. William Canniff, a well-known Toronto surgeon and historian, was to move the vote of thanks; and "... as was

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26 Globe (Toronto), Apr. 21, 1873, p.4, "British vs American Civilization."

27 Ibid., Apr. 14, 1873, p.2, "Meetings to be Held."

28 Ibid., Apr. 16, 1873, p.2, "Communications."

29 Ibid., Apr. 21, 1873, p.4, "British vs American Civilization."

30 Ibid.



to be expected in an assemblage of Canadians, every point the lecturer made on behalf of the civilization of the Motherland and of our own country evoked thunders of applause" from the audience.<sup>31</sup>

Davin set out to compare "two forms of modern life," and since Tiffany had already appeared in support of one, he would act without apology as the advocate of the other.<sup>32</sup> If, in these circumstances, he appeared, like David, "audaciously to advance, no better furnished than was the young bard and prophet and future king, it is only because I am confident," he said, "that the cause will atone for the defects of the orator." He assured his audience that there was no need for anyone to shrink from controversy on the relative merits of British and American civilization: "We, too, have a civilization and institutions of some value, and the citizens of the United States must not be astonished if we do not credit them with being able to teach us everything." Still, he had not been brought to the platform "like some modern Balaam to hurl imprecations against the United States." Had that been the case, he could only have said, "How shall I curse whom God hath not cursed? or how shall I defy whom the Lord hath not defied?" Indeed, if he had had to speak of the United States alone, "no language could be too elevated to paint the surprising energy, the dauntless enterprise, the commercial progress of the great Republic." He regretted that he would not have time to dwell on the virtues of the American people, "But even if I had, I would travel beyond my brief, and this enforced self-denial is the less to be regretted

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31 Ibid.

32 Davin's speech was reported extensively in Globe (Toronto), Apr. 21, 1873, p.4, "British vs American Civilization"; it was later published essentially as uttered under the title British versus American Civilization, (Toronto, 1873), and this account is drawn from the latter.



as they have taken such good care that nobody shall remain in ignorance of their transcendent merits."

Tiffany's concept of the "New Civilization" seemed to Davin to be far too superficial. Where Tiffany had advocated simply the elimination of a privileged aristocracy, the elevation of the masses and the development of a reverence for God throughout the whole society, Davin showed that "You may prevent men having exceptional honours, but you cannot prevent them from doing what they like with their own, except on [socialist] principles which in theory have a great charm for myself, but the application of which would seem to me to be attended with very great danger." As for a reverence for God, he did not quarrel with Tiffany on the beneficent influence of Christianity on civilization: "I think an open Bible the greatest blessing an individual or a nation can enjoy. But," he cautioned, "I will not measure its advantages by the amount of wealth in the coffers or the battalions which can be sent to drench a field with blood." It was on the condition of life in the two societies that Davin chose to do battle, and he proceeded to show that by any such measure the more complex British society was fundamentally stronger than the American, not in spite of, but because of those very elements of privilege and distinction which Tiffany would banish from the "New Civilization."

He reworked the theme he had developed earlier in his essay on "France and Germany," and he argued that "the more numerous the forces contending for mastery in a country, the more shall we find individuality, originality -- rich moral and intellectual life." He showed that Britain for a thousand years had been the scene of struggle of the monarchic, aristocratic, ecclesiastic and democratic principles. Because none of these had ever attained complete mastery, British society had become -- with all



its faults -- more various, more heroic, more inspiring, more lovely and more free than any other. Because of the variety of prizes to be won, there was a consequent variety of motive, and British society therefore tended to cultivate the imagination, refine the heart, develop the beauty of character and make man "passionate after high aims." In the United States, on the other hand, where distinctions between man and man were shunned, the only motive was the acquisition of wealth, and consequently "character becomes materialised."

The "wild worship of wealth" contributed to the restlessness of American society, Davin claimed, and, anticipating Frederick Jackson Turner by some twenty years, went on to explain that that restless energy was presently being absorbed on the American frontier:

The roominess of the country, the vast immigration, the entire absence of settled classes make it impossible to appraise at its true value this ... "New Civilization." If despotism, an impossibility in Great Britain, is out of the question for the present in the United States, it is not because of the nature of the government, or of the civilization, but because of the immense waste of unoccupied territory lying westward. Subduing this under the influence of sanguine hopes for wealth, and dealing out a merciless policy to the poor Indian, absorb all the restless and adventurous elements of society. There is not to the hand of ambition the horse that should gallop him to empire. The country is not sufficiently organized and compact. But the time will come when all the conditions of old settled countries will be repeated on this continent, and then who can doubt that human nature will be the same?

The constitution could not change human nature. It was a sort of "apostle's creed which keeps people below the line republicanly orthodox," and it was effective "because the people are, at present, constitutionalists." Yet the day would come, he predicted, when the constitution alone would be unable to contain the forces of dissent. Moral, not constitutional checks and balances provided the ultimate restraint on human conduct, and in the final analysis it was "The reverence for rank" -- lacking in an egalitarian society -- which "acts as an antidote to that wild worship of wealth which



coarsens everything it touches and makes life loathsome."

Well [he said finally] I have done. Which will you have? Which is preferable -- a society in which mammon is supreme; wealth the only test of merit; without thoroughness or love for long enduring toil towards glorious objects seen in boyhood, kept in view in manhood, and grasped at last with joy when it may be the hair is blanched, but when also a character full of dignity and worth has been formed, and a life of good service to the commonwealth lived -- a society restless, undignified, unshapely, unlovely; or that fair order in which degrees of rank provide various motives and enrich the standard of merit; in which the love of fame is sure to be active; in which greatness is out of reach of none and difficult of access for all; which, broad based on the will of a great and proud people, rises up by bright gradations until it culminates in the calm and by-faction-unsullied figure of the sovereign[?]

He had said enough to enable the audience to make their choice, and from their response he could see that the choice was already made. There was no danger of annexation! Americans had misunderstood the temper of Canadian society. "They evidently regard us as if we were but a chip on the outer circle of a whirlpool into whose vortex we must inevitably be sucked." Then with a peroration which audiences would soon come to recognize as typical of Davin's platform style, he concluded:

March may wed September and Time divorce regret, and the frosts of January nip the flowers of June, but not a law of separation pass between us and the country of our great forefathers, in order that there should take place a marriage traitorous to our most valued and sacred traditions. Let the United States go on in their own course. We neither envy nor fear them.

When Dr. Canniff, in moving the vote of thanks which was seconded by Mr. Arthur Barson of Montreal and carried by acclamation, "expressed his hearty endorsation in everything [Davin] had said,"<sup>33</sup> it was clear that the insidious doctrine of "spread eagles" had again been demolished in Toronto. Davin, not Tiffany had carried the day, and the young Irishman, who may perhaps have intended only a brief stay in the

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<sup>33</sup> Globe (Toronto), Apr. 21, 1873, p.4, "British vs American Civilization."



country, could surely see that "his lot in future was cast in Canada."<sup>34</sup>

A modern generation of Canadians, still struggling with the problem of Canadian identity in North American society, could read this speech with considerable sympathy. Stripped of its oratorical flourishes and of some of its sentiment, it yet stands as an eminently reasonable defence of the principles, values and standards of an older society. There was in it none of the Englishman's arrogance so abhorrent to Americans and to many Canadians as well. There was no dogmatic assertion of the superiority of the old for its own sake over the naïve simplicity of the new. There was, on the contrary, a large measure of thoughtful understanding of the complexity of human society and a distrust of revolutionary shibboleth. There was also an awareness of Canada's unique advantage in being at once North American in its geographical location and British in its constitutional tradition; Davin had addressed an audience which had met "to discuss two forms of modern civilization ... either of which we may choose, from both of which we may borrow." The speech was also a useful measure of the social and political tenets of its author whose sympathies were democratic, but not egalitarian and who was able to acknowledge a certain "charm" in the theories of socialism. He appeared as a conservative in his respect for the traditions of the past, but not with the intransigent opposition to change of the Tory; he had a preference for an aristocracy whose ranks acknowledged not birth alone, but intellectual attainment and patient merit; and he showed evidence of a developed sense of excellence and of standards measured against those social values which encouraged a life of service by nourishing "a love of fame." This was the real Davin,

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<sup>34</sup> Z.M. Hamilton, "Men Important in Early History of Saskatchewan," unpublished ms in AS, p.7.



ambitious not for power or personal profit, but prepared to place his considerable gifts at the service of his fellows, while asking in return to be recognized as a man of influence and to enjoy the prestige of fame. This was the substance of that ambition which had brought an ironmonger's apprentice from Kilfinane to Cork to London to Belfast and now to Toronto.

It was clear in the course of Davin's first year in Canada that he had by no means committed himself to the anonymous career of an editorial writer on the Globe or elsewhere. The Globe was a start, but from the beginning he described himself as both a barrister and an editor.<sup>35</sup> Within a year of his arrival he had established his reputation as an orator of some talent, and obviously his gift for writing could be turned to his advantage beyond the editorial columns of a newspaper. With the Tiffany triumph behind him, he must surely have felt something of the exciting opportunities open to his talents in a new and growing country, and although there is nothing to indicate that he had set any particular goals for himself in these early years, there was the driving force of the Davin ambition to be reckoned with. This ambition, instilled in him in Kilfinane, had been overwhelmed in London and frustrated in Belfast; it must be brought to fruition in Toronto. Consequently, while the decade from 1872 to 1882, during which Davin lived and worked in Toronto, bears no witness to the unfolding of any grand design, it was not entirely by accident that his reputation developed first in journalism, then in letters, the law and eventually in politics.

The Tiffany debate afforded Davin his first opportunity to present himself to the Canadian public not only as an orator, but as an

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<sup>35</sup> See Toronto City Directory, 1873-74, (Toronto, 1874).



essayist in his own right. "... in obedience," so it was claimed, "to frequent and pressing requests from various parts of the Province ...,"<sup>36</sup> his lecture was published in May of 1873 as the second in a series entitled National Papers, the first of which had been W.A. Foster's Canada First or Our New Nationality.<sup>37</sup> William Alexander Foster was associated during these years with George Taylor Denison, Robert Grant Haliburton, Charles Mair and Henry James Morgan in an intellectual-cum-political movement known as Canada First.<sup>38</sup> The movement had begun in 1868 and was to be dead by 1875, but in the interval it played a significant role in the early stages of the search for a Canadian identity, and its members drew inspiration from the work of Thomas D'Arcy McGee, an Irish immigrant journalist, orator and politician shot down in 1868 by a Fenian assassin. While Davin would not have been comfortable for long with the more extreme nationalism or the provincialism of some of the Canada Firsters or with the annexationist tendencies of Goldwin Smith who for a time was numbered in the ranks of the movement, it would appear that some at least saw Nicholas Flood Davin as an eloquent advocate of the Canada First cause in the very image of McGee. Davin, not yet a year in the country, would have been flattered by the comparison.

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36 Globe (Toronto), May 30, 1873, p.2, "Book Notices." The pamphlet itself spoke of "eager and repeated requests ... from all parts of the Dominion." See Davin, British versus American Civilization. p.3.

37 W.A. Foster, Canada First or Our New Nationality, (Toronto, 1871).

38 For accounts of the Canada First movement see Carl Berger, The Sense of Power, (Toronto, 1970), Chapter 1, and Norman Shrive, Charles Mair: Literary Nationalist, (Toronto, 1965), Chapters 2 and 6.



At the same time Davin continued to be in demand as a public speaker: he delivered his lecture on the Franco-Prussian War as scheduled on April 21, and moved his audience to frequent laughter and applause;<sup>39</sup> he read Tennyson's Idylls of the King at the St. Stephen's Sunday School penny readings;<sup>40</sup> and at the YMCA entertainment on May 30 his recital of Macaulay's Horatius "was the gem of the evening."<sup>41</sup> But he was also engaged on weightier matters. The English philosopher John Stuart Mill died on May 8, 1873, and Davin, who had observed him from the reporters' gallery at Westminster, paid his tribute to him in an article published in The Canadian Monthly and National Review in June of that year.<sup>42</sup>

This disciplined and restrained essay showed Davin's thoughtful admiration for the life, work and character of John Stuart Mill who "in the great sum of forces which go to make up human progress for more than a quarter of a century ... [had] been an originating and directing spirit." He declared that Mill's System of Logic "cannot be read intelligently without leaving the impression that another knot has been added to the bamboo cane of life, registering a new epoch in the mind's history," and he claimed that the essay On Liberty and Considerations on Representative Government "have guided the speculations of students and professors. The consequence is the clear grasp of the real functions of government that we find abroad among the people. Mr. Mill taught the

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39 Globe (Toronto), Apr. 22, 1873, p.1, "Franco-German War."

40 Ibid., Apr. 24, 1873, p.2, "Meetings to be Held."

41 Ibid., May 31, 1873, p.1, "City News."

42 Nicholas Flood Davin, "John Stuart Mill," The Canadian Monthly and National Review, Vol. 3, No. 6, June 1873, pp.512-19.



journalists, and these have taught the masses." From his own knowledge as a gallery correspondent, Davin was able to give the following sketch of the great philosopher-statesman:

His success in the House was remarkable, for his "bodily presence was weak," and save for its matter, his "speech contemptible." The present writer had abundant opportunities of observing him during the time he was in Parliament. His manner was decidedly bad, diffident, hesitating. He had a curious nervous twitching of mouth and eyes, which was very ludicrous in its effect. His voice was weak and somewhat peaky. His body small and not compact. He used to be more persistent in his attendance than any other member in the House, and slept a great part of the time. He never walked deliberately in or out of the House, but ran like a boy, with a queer uneven trot. Whoever his tailor was must have been as original as himself.

He described Mill's prose as "A great river, whose broad expanse reflects the heavens and the pendent woods, and whose pellucid depths reveal every pebble . . .," and his own respect for human society in all its variety emerges from the concluding tribute:

The grand leading principle towards which everything he wrote converged, was the absolute and essential importance of human development in its richest diversity, and of this doctrine he was not merely a preacher but a grand exemplification.

Davin's article on "The London and Canadian Press"<sup>43</sup> which appeared some seven months later was of a different piece. It was, in a sense, a statement of his creed as a journalist, and newspapermen in Canada and elsewhere might still read much of it with profit. In describing the London press which, in his opinion, was "the foremost in the world," he sought to "supply some materials for the formation of a just criticism" of the Canadian press. "... the school of journalism in Canada [is] bad," he wrote, "but this is only in comparison with the school of journalism in London." On the other hand --

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<sup>43</sup> Nicholas Flood Davin, "The London and Canadian Press," The Canadian Monthly and National Review, Vol. 5, No. 2, Feb. 1874, pp. 118-28.



If we compare journals like the Globe and Mail with the best provincial papers in England -- in any of the large cities, such as Bristol, Liverpool, Manchester -- it is my deliberate opinion that the Globe and the Mail have the best of the comparison. But then Toronto, though having only a population of sixty or seventy thousand, has many of the notes of a capital about it; it is a great legal camp; it has two universities; it has a Parliament; it has a large educated class ...; the consequence being that in the two papers I have named every possible subject is discussed: Canadian, English, American and European politics; art and science; all the ten thousand topics thrown to the surface by the seethings of a complex society. And these subjects are discussed in both papers with great ability and force; often with a thoughtfulness, reach of information, practical insight and precision, and elegance of language which leave nothing to be desired.

"The fact is," he concluded, "that the public in Canada are wonderfully well served as regards journalism." Yet undue flattery, particularly from a journalist, would be a disservice to the Canadian press, for there was much room for improvement: "reporters should be inhibited from expressing opinions"; "the partisan should be sunk in the journalist"; and an educated public opinion ought surely to react against the Canadian journalist's unwarranted "tendency to personality." Much could be learned from the London press; indeed, much must be learned, for "The press is ... an enormous power, and if subjected to no check, may prove as dangerous -- indeed more dangerous, because more insidious, than an ostensible tyranny."

Davin made a strong case for the need to control the power of the newspaper press:

It has often been pointed out [he wrote] that the press has to some extent taken the place occupied in other days by the church; that the editor has superseded the preacher. No one can read the sermons of Chrysostom or Hugh Latimer, or follow the life and times of John Knox, without seeing that each of these divines was the journalist of his day. The pulpit occupied, in addition to its legitimate sphere, almost the whole ground covered by the newspaper to-day. No wrong was so great as to be above its assault; nothing too minute for its notice. The "drum ecclesiastic" summoned armies before which the sternest tyrants quailed. All the business of life was the preacher's domain. In the shadow of the rostrum the



poor found protection from their oppressors, and its influence was felt alike in the village ale-house and the cabinets of kings. Such is the mighty heritage to which the press has succeeded. When some powerful individual or corporation perpetrates a public wrong, when the air is electric with political excitement, and the heavens full of signs of coming change, men do not ask, "What will Chrysostom say?" but "What will the Earth or the Cable write about it in the morning?" No Ambrosius now makes a Theodosius do penance. But the editor calls kings and ministers to account, nips oppression in the bud, and enunciates policies which statesmen find imperative. The responsibility is great. To use power well has always been difficult, and it is morally certain that the press, unless watched from within and without, will abuse its functions.

He went on to argue that the best check on this extraordinary power of the press was a critical public -- "Indeed," he said, "it is incumbent on the people to influence the press by insisting that it shall appeal to the best that is in them" -- and he claimed that "The result of popular criticism in London has been to give the people a body of daily literature which, while making them acquainted with all that is transpiring around them, informs and instructs, teaching meanwhile, in no unworthy manner, the language of Addison and Macaulay." The London journals, conscious of the need to preserve their individuality, their independence, their integrity as political personae, reported the news with assiduous regard for truth. "When a paper is found truthful as to matters of fact a presumption of its fairness is established, and its enunciation of principles is read with respect, if not with approval." The London press was partisan, but "not pledged to admire the gyrations of any party, nor to belaud the antics of any leader"; it was critical, but under a necessity to conduct its attacks "with fairness and good temper"; it abhorred the tone of abuse -- the weapon of the "cowboy" -- and it was careful of its own dignity. London journalists were alive to the demands of their honourable and exacting profession:



To edit a paper in London implies ability at least equal to that which enables a man to take a leading place at the bar. His position is one of great and attractive power. Guiding his paper in accordance with a standard which is apart from and above his party -- writing of public men, to whichever side they belong, in the spirit of a historian -- there is everything about the manner in which he discharges his functions which can challenge respect. He is not bound, save as he himself elects, to keep out of public life. But his duties are engrossing, and the position is one which may satisfy a very solid ambition. There is no notoriety, but, on the other hand, there is a consciousness of being a controlling element in social and political dynamics.

This, then, was the standard against which Davin judged the profession of journalism, and also the standard against which he would be willing to be judged himself as a member of that profession.

Davin's excessively vigorous defence against an insignificant charge of plagiarism gives a measure of the pride he took in his work as a journalist and writer. He had published a light-hearted little piece entitled "Fanning in Church" in the Globe on June 13, 1874, and on October 30 the Mail had written: "More than once of late an editorial writer on the Globe has been shown to have palmed off in the columns of that journal articles on such subjects as 'Fanning in Church,' 'Dancing,' &c., taken almost bodily from the pages of the old British Essayists ...." Davin's response was to publish an eight-page pamphlet<sup>44</sup> in which his own article appeared side by side with Addison and Steele on the use of the fan along with his biting refutation of the charge of plagiarism: "There is no use wasting another word on a matter which is only one among thousands of instances which show into what skilful and honorable hands the conduct of our newspapers has in great part fallen. It may however be said that the charge of plagiary -- which has been made against almost every eminent writer who has claimed the attention of the public -- is a compliment in

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<sup>44</sup> Nicholas Flood Davin, Editor, Mr. Davin on "Fanning in Church" and Addison and Steel on the Use of the Fan, (Toronto, 1874).



disguise; for nobody will accuse you of stealing what is of no value. I think I know a newspaper, and an editor, whose articles will never be charged with the taint of plagiarism." The charge was plainly exaggerated; Davin had obviously been inspired by Addison and Steele, but beyond that, "Fanning in Church" was an original composition, and it was typical of Davin. He had a ready wit, a skilful pen, an ability to develop ideas -- which may have originated in the minds of others -- and to relate these ideas to particular circumstances. He also had the ability, it would appear, to carry a senseless dispute beyond the limits of necessity.

The Earl of Beaconsfield<sup>45</sup> was published in August 1876 on the occasion of Disraeli's elevation to the peerage. It was an able account of his career which Davin analysed as a drama in five acts: "In the first act he is a literary man, dreaming of greatness, and showing the sort of greatness he coveted -- to win fame and power by his genius; to dazzle and delight the world by his wit. He would enter the House of Commons, be Prime Minister, wear a coronet; in fact do all he has done." It is tempting to claim that Davin saw something of himself in Disraeli: a man of purpose, careless alike of praise and calumny, a man of indomitable will "who, despite a fantastic imagination, alien blood, plebeian birth, has led the aristocracy of England and climbed to the position ... he meant to gain." The essay does not pretend to analyse Disraeli's political philosophy, and it suffers from a few rather lengthy quotations drawn from other commentaries,<sup>46</sup> but it includes an interesting comparison of

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<sup>45</sup> Nicholas Flood Davin, The Earl of Beaconsfield, (Toronto, 1876).

<sup>46</sup> Particularly Frank Harrison Hill, Political Portraits, (London, 1873).



Disraeli and John A. Macdonald,<sup>47</sup> and it is enlivened by anecdotes which Davin recounts with relish:

When Mr. Gladstone was disestablishing the Irish Church, Mr. Bright said that he had often longed for the removal of the gigantic evil, and now the time was come and the man. The clock was stopped that day and just at the moment Mr. Gladstone was not in his place. Mr. Disraeli rose and said: "The honourable gentleman says, 'the time is come and the man;' but" -- putting up his eyeglass and looking at the clock -- "the clock is wrong and the man is not here."

Davin wrote his share of "pot boilers" as well, of which The Fair Grit,<sup>48</sup> a political satire, is an example. Yet "pot boilers" were probably necessary at this stage of his career: he had left his position on the Globe sometime in 1875, and was now engaged on a substantial study, The Irishman in Canada,<sup>49</sup> which appeared in 1877. This was a major work of nearly 700 pages which was to a large extent a history of Canada emphasizing the Irish contribution to the development of the country. For this reason, and considering "the present stage of Canadian historical literature,"<sup>50</sup> Davin considered his work might be useful to both the student and the politician. He hoped it would be useful to the future historian as well; French, English and Scots had been adequately dealt with; Davin was determined that later historians of Canada "should not be ignorant of the noble elements of national life one of the most brilliant of

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47 The comparison of Disraeli and Macdonald was an extract from a lecture on the "English House of Commons" delivered by Davin in the Music Hall, Toronto, Nov. 16, 1874.

48 Nicholas Flood Davin, The Fair Grit; or, The Advantages of Coalition; A Farce, (Toronto, 1876).

49 Nicholas Flood Davin, The Irishman in Canada, (Toronto, 1877).

50 Ibid., p.ix.



modern nations has laid at her feet."<sup>51</sup>

He had another purpose in mind as well, and that was to explode the myth of the quarrelsome Irishman, the archetype of the Horatian dictum Caelum, non animum, mutant, qui trans mare currunt.<sup>52</sup> On the contrary, "the bracing and inspiring influences which come from country and race"<sup>53</sup> were revealed at their best amongst the Irish in Canada, since --

... here the factions which have afflicted successive centuries exist but in shadow because the ground of quarrel is wholly absent. Whoever studies the history of Ireland ... in contemporary documents, will learn that the great bone of contention, from age to age, was not religion, nor form of government, but the land. Here, land can be no apple of discord. Ireland, nay, the three kingdoms, might be drowned in one of our lakes. We have, too, outlived the age of plunder and confiscation, and never can any difficulty arise on this score in a country where we open up provinces as men in the old world make a paddock.<sup>54</sup>

Here again is a pre-Turnerian allusion to the influence of the North American frontier which Davin had first propounded in slightly different form in his British versus American Civilization.<sup>55</sup> It was an important concept to Davin, for some years later, describing his book to an English writer, he said: "The scope of the book takes in some of the history of Canada, and tries to persuade Irishmen to forget Old World feuds and Old World misfortunes, and devote themselves to their adopted country."<sup>56</sup> It was a personal concept as well; Davin was surely thinking not so much about all Irishmen in Canada as about one in particular when he wrote:

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<sup>51</sup> Ibid., p.3.

<sup>52</sup> Horace, Epistolae, I, xi, 27.

<sup>53</sup> Davin, The Irishman in Canada, p.3.

<sup>54</sup> Ibid., p.4.

<sup>55</sup> See above.

<sup>56</sup> Saxby, West-Nor'-West, p.63.



In such a country ... it would be an extraordinary thing if the Irishman did not rise to a high level. Here, all that his fathers ever struggled for he has. He is a controlling part of the present; he is one of the architects of the future, and he has nothing to do with the disasters of the past, only so far as they teach him lessons for the present. Nothing to do with the glories of the past, save to catch their inspiration.<sup>57</sup>

A recent critic has pointed out that since Davin's Irishman is the work "of a nineteenth century journalist rather than a modern professional historian," it ought to be used with care.<sup>58</sup> It is essentially a work of cataloguing rather than analysis or synthesis; it does not deal with the feud between Orange and Green, with Fenianism, or with the struggle for denominational schools; it ignores these issues as factors in the Confederation movement; and it ignores as well the struggle of the Catholic Irish after Confederation for their share of political patronage. Still, if Davin left many gaps, later writers have failed to fill them, and The Irishman in Canada yet stands as "a useful point of departure for anyone who wishes to enter the almost totally unploughed field of the history of the Canadian Irish."

The significance of The Irishman in Canada is of a personal nature as well; it marks the point at which Nicholas Flood Davin had committed himself to his new country. He was no longer a British journalist observing the Canadian scene; he saw now, as he had not seen in "France and Germany," that racial characteristics were to some degree affected by environment; he was beginning to see that the frontier not only absorbed "the restless and adventurous elements of society," as he had claimed in British versus American Civilization, but offered to a new society, inspired by the "glories of the past," the opportunity to free itself from the disasters, to forget old-world feuds and misfortunes.

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<sup>57</sup> Davin, The Irishman in Canada, p.6.

<sup>58</sup> Nicholas Flood Davin, The Irishman in Canada, (1877; reprint ed., Shannon, 1969), Introduction by D.C. Lyne.



I have shown [he wrote in conclusion] what part the Irishman has played in clearing the forest, in building up the structure of our civic life, in defending the country, in battling for our liberties, in developing our resources, in spreading enlightenment, in the culture of literature and art, in tending the sacred fires of religion, in sweetening the cares of life, and I trust I have done this without giving offence in any quarter, or forgetting for a single instant that my paramount duty, as the paramount duty of us all, belongs to Canada.<sup>59</sup>

Davin gave further expression to this commitment to Canada and to these ideas of race and environment in the Canadian identity the following year, in a poem entitled "Canada," the first of his poetry to be published in Canada:

Not Scotch, nor Irish, French, nor Saxon,  
 But all of these, and yet our own;  
 There are no beaten paths to greatness,  
 Who'll scale those heights must climb alone.

Ierne's heart, compact of joy  
 And sorrow, wealth of feeling brings;  
 France, sweetness for each word and act --  
 To gaiety that ever sings.

From Scotland thrift and strength you borrow --  
 John Knox's strength and Burns' liberal heart;  
 The Saxon breadth and compromise  
 Shall lend; but you the larger part

Of your own destiny must be;  
 Yours to direct -- you light the fire --  
 The animating soul's your gift,  
 For all fair things the high desire.<sup>60</sup>

He returned to the same theme again in 1881 in an essay dedicated to the members of the Osgoode Literary and Debating Society. In the opening paragraphs of Great Speeches<sup>61</sup> he sought to dispel the

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59 Davin, The Irishman in Canada, p.667.

60 Nicholas Flood Davin, "Canada," The Canadian Monthly and National Review, Vol. 13, Jan. - June 1878, pp.350-51. The poem was reprinted in Davin, Eos: An Epic of the Dawn and Other Poems, p.133, under the title "Young Canada."

61 Nicholas Flood Davin, Great Speeches, (Toronto, 1881). The quotations are drawn from pp.1-3.



prevalent idea that there were no men in Canada "who would well compare with, who might stand up to, the best men of any other country." "Men born and bred in old countries have, let it be at once admitted, some advantage from the point of view of culture we do not possess." Canada lacks the trappings of antiquity: monuments, galleries, cathedrals, ancient seats of learning, great cities, stored up memories of achievement in every field, "the mixture of the venerable and the new." On the other hand, Canadians enjoy certain advantages: "... we have none of the squalor and poverty of an old country. We have no vast superincumbent mass of aristocracy to awe us; none of the difficulties which arise from the struggle between the latter part of the nineteenth century and modern feudalism." Yet Canadians need not be cut off from the inspiring historical traditions of the old world. "The gulf is great which separates the historical and the antique from the land of the woodman, the snake fence, the prairie; but the mind can bridge the chasm; nay, imagination has only to spread her wings and it is passed." Thus, in Davin's view, a frontier society was free from the useless accretions of a dead past, and at the same time could claim by inheritance the inspiration of its glories. "All we need is the historical imagination to make these treasures our own."

It was the poet's role to cultivate the imagination of a society, and Davin despaired of the attitude of those who could say of Louis H. Frechette, "the Canadian poet, who sings in French," that he had a career, but not on this continent. He did not hesitate to claim that Frechette was "our first national poet," and therefore "The people must take this in hand. The poet and the artist cannot look for recognition to the worshippers of gold, some of whom are no better than public robbers." Yet, as he wrote elsewhere that same year, "The truth is ... there is a close relation between literary capacity and practical power in all matters



requiring thought -- as, for instance, statesmanship or war, or the higher walks of commerce."<sup>62</sup> Thus, in the course of the first decade of his life in Canada, Davin gave literary expression to his understanding of the Canadian identity, distinct from both the United States with which Canadians shared the continent and from Great Britain with which they shared a cultural and political heritage.<sup>63</sup>

Regrettably, Davin had little time to develop these propositions systematically; as he said of Great Speeches, "this brief essay ... hints at rather than lays down, and establishes the propositions for which I would fain find a home in [the minds of the young men of Osgoode Hall], and kindred minds throughout the entire Dominion."<sup>64</sup> He may have been a scholar by inclination, but he made his living in other ways. After leaving the Globe in 1875, he lectured for about a year, and did some freelancing for the Nation before associating himself with the Toronto Mail.<sup>65</sup>

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62 Nicholas Flood Davin, Remarks Suggested by President Garfield's Death, (Ottawa, 1881), p.15.

63 During this period Davin also wrote "The Argument from Scandal," Rose-Belford's Canadian Monthly and National Review, Vol. 2, Jan. - June 1879, pp.580-83, in which he showed that in the absence of any sense of just criticism, debate of public issues would quickly be reduced to personal recrimination; "No Law School," ibid., Vol. 4, Jan. - June 1880, a short introduction to a student's essay on the state of legal education in Canada; "The Future of Canada," ibid., Vol. 6, No. 5, May 1881, pp.490-98, on the annexation question again; "Literature Connected with the Canada Pacific RR," ibid., Vol. 8, No. 6, June 1882, pp.583-88, a review of proposals for trans-continental transportation; The Secretary of the Royal Society of Canada, A Literary Fraud, (Ottawa, 1882), a rather vitriolic attack on John George Bourinot; and Album Verses and Other Poems, (Ottawa, 1882), a small collection of poetry "privately printed to gratify those who were the occasion of their composition."

64 Davin, Great Speeches, p.16.

65 Regina Leader, Feb. 8, 1887, "Saturday's Meeting."



Despite his claim to having received a salary of \$50 a week plus expenses,<sup>66</sup> the details of this association are not clear. He may have been a full-time staff member on the Mail;<sup>67</sup> more likely he was an occasional correspondent and undertook special assignments such as representing that journal at the Philadelphia Centennial Exhibition in 1876,<sup>68</sup> for he was entered on the Barristers' Roll of the Law Society of Upper Canada in the Michaelmas Term of 1875,<sup>69</sup> and on February 18, 1876, the Minutes of Convocation show that "Mr. Nicholas Flood Davin, a member of the English Bar, was called to the Bar."<sup>70</sup> Moreover, the Toronto City Directory from 1876 to 1881, with the exception of 1879 for which there is no entry, shows his occupation simply as "barrister."

While Davin may certainly have written for the Mail at one time or another, he was also associated with that journal in his professional capacity as a lawyer. In 1877 he appeared as counsel for the Mail at an inquiry conducted by the Hon. C.S. Patterson into certain charges levelled against the Central Committee of Examiners which involved a member of the staff of the Toronto Normal School.<sup>71</sup> Although he had other interests as

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66 Ibid.

67 Hector Charlesworth, More Candid Chronicles, (Toronto, 1928), p.24. Charlesworth states that when he joined the Mail "twenty-five years later, there were still men in all departments who had been colleagues of Davin, and on whom he had impressed the idea that his soaring ambition would by no means be satisfied by the modest career of a newspaper writer."

68 Globe (Toronto), Oct. 22, 1901, "The Late Mr. Davin."

69 Rolls of the Law Society of Upper Canada, Osgoode Hall, Toronto. Davin is No. 1357a.

70 Minutes of Convocation of the Law Society of Upper Canada, Feb. 1865-May 1876, Journal, Vol. 5, Osgoode Hall, Toronto.

71 Mail (Toronto), Sept. 29, 1877, "The Educational Inquiry." See also Central Committee Inquiry, Report of the Hon. C.S. Patterson dated 31st December, 1877, (Toronto, 1878).



well, the practice of law took more and more of his time; by March of 1881 he confessed that "More than two years have passed away since I laid my pen aside. During that period law and duties akin to legal pursuits have engrossed my time...."<sup>72</sup> Yet whatever he did, there was a touch of elegance about Nicholas Flood Davin, a panache which was apparent even in the performance of his most mundane duties. Senator Sir James Lougheed, who, from 1877 to 1880, was a young law student articulated to Beatty, Hamilton and Cassels in Toronto,<sup>73</sup> the firm with which Davin was associated, recalled later that when Davin had first been admitted to the Canadian bar --

he was given charge of certain details such as making motions in Chambers and similar duties. He threw an element of color into these somewhat drab proceedings that made them quite attractive. He was a tall, good-looking man then and would appear, to make the most ordinary motion in Chambers, dressed in frock coat, with a flower in his button-hole, and looking very striking. When it became known that he would appear before a Master of Chambers or a County Court Judge many of the law students in Toronto attended and listened to his glowing periods and fine enunciation with a great deal of glee.<sup>74</sup>

Grip found the Davin flair worth reporting on at least one occasion. When Davin defended two showmen who had been apprehended at the instance of the Society for the Prevention of Cruelty to Animals for exhibiting a headless rooster, he set about to show that the rooster "had not really lost its head any more than the counsel for the prosecution." This rooster, he claimed, still retained a good deal more brain than was possessed by many roosters of his acquaintance, and cruelty depended on the amount taken off. He himself, he argued, had been robbed of most of his hair, yet he felt no pain or inconvenience, and did not think of bring-

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72 Davin, Great Speeches, p.1.

73 Herald (Calgary), Nov. 2, 1925, p.13.

74 Z.M. Hamilton, "Nicholas Flood Davin," unpublished ms in AS, File SHS 14.



ing an action against Dame Nature. The case was dismissed; the two defendants left with their "brilliant adviser" who, so to speak, "wore a rooster's feather in his legal cap."<sup>75</sup> It was this ability to blend wisdom and wit which caused Davin to be, in Grip's phrase, "immensely popular with the young limbs of the law," and when he was toasted at the annual dinner of the Osgoode Literary and Debating Society in 1880, Grip reported that he replied in "an exceedingly brilliant and effective speech" in which he encouraged Canadians not to underrate their own achievements.<sup>76</sup>

Yet in the middle years of the 1870s Davin had very little time for either journalism or the law, for he was becoming involved in Canadian politics. A conservative by inclination, with a developing sense of Canadian nationalism, he was attracted to the National Policy which Macdonald and the Conservative party were cautiously evolving during the years in opposition. Along with other journalists such as John Maclean, R.W. Phipps, Thomas White and C.H. Mackintosh, Davin became an enthusiastic advocate of "a new and more national system [of protection]."<sup>77</sup> By 1876 he had definitely thrown his lot in with the Conservative party, and was responsible for organizing the Young Men's Liberal-Conservative Association in Toronto.<sup>78</sup> By the time the election was called in 1878, Davin was ready: he had associated himself with the Conservative party; he had developed a reputation as an orator; he had acquired a journalist's

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75 Grip, Jan. 10, 1880, "Davin the Scientist."

76 Ibid., May 22, 1880, "Actors, Orators and Musicians."

77 J.C. Hopkins, The Story of the Dominion, (Toronto, 1901), pp.442-43.

78 Davin to Thompson, Oct. 17, 1891, PAC, Thompson Papers, Vol. 139, No. 17029. See also Mail (Toronto), May 13, 1878, "Our Cause." Davin was the president of the Toronto Young Men's Liberal-Conservative Association.



intimate acquaintance with men and events; he had steeped himself in Canadian history and politics; and if he was not yet a household name, he was certainly no stranger to Ontario audiences. Consequently, in this campaign which was fought on the picnic grounds of Ontario, Davin was a popular speaker in the Conservative interest. He was the guest speaker at the nominating convention in Peel where he declined the nomination in favour of Mr. William Elliott.<sup>79</sup> He assisted Alfred Boulton in North York where he was able to attract the Irish vote<sup>80</sup> and where he denied that he intended to run in any constituency, "although he had been asked by three or four to do so."<sup>81</sup> He addressed the East York Conservatives,<sup>82</sup> and he delivered a series of addresses in North Oxford. His theme was "protection to prevent our country going to ruin, to enable our young men to make careers for themselves without leaving their homes and friends, to build up large cities at our doors, and thus enable our farmers to realize a fair remuneration for their hard labour and many privations."<sup>83</sup>

Davin eventually accepted the Conservative nomination in Haldimand which was a most difficult constituency for his party. The sitting member, David Thompson, came from a wealthy local family, and had held the seat from 1863; he had been elected by acclamation in 1872 and 1874; and his father before him had sat for Haldimand in the Assembly of

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79 Mail (Toronto), Mar. 8, 1878, p.1.

80 Davin to Thompson, Oct. 28, 1891, PAC, Thompson Papers, Vol. 139, No. 17104.

81 Mail (Toronto), Mar. 21, 1878, "The Coming Campaign."

82 Ibid., Mar. 25, 1878, "The Coming Campaign."

83 Ibid., Apr. 1, 1878, "The Coming Campaign."



the United Canadas from 1841 to 1851.<sup>84</sup> Davin was reluctant to undertake this formidable task, but as he later told Sir John Thompson, Macdonald "forced, begged, prayed, coaxed & ultimately proposed if I were beaten to give me Cardwell as he was sure to carry Kingston (he had been nominated in the two places) & thus got me to go to Haldimand ...."<sup>85</sup> His supporters were full of enthusiasm, however, and the Grits were "very much chop-fallen"<sup>86</sup> at Davin's triumphal progress through the riding in June. By late July the Hamilton Spectator was forecasting an easy win for Davin, for Conservative support in the constituency had remained intact despite a long series of defeats, and Davin was a candidate "gifted with an intellect of rare native force improved by culture of more than the ordinary kind even among men of education."<sup>87</sup>

Davin was too astute a politician to depend entirely on his own propaganda, however, and he worked assiduously to capture the Irish vote in Haldimand which surely ought to have belonged to him. There was a touch of the Blarney about the technique, but it was effective. One of his assistants had procured a picture of an Irish Mother Superior who may

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84 The Canadian Parliamentary Companion and Annual Register, 1878, (Ottawa, 1878), p.177.

85 Davin to Thompson, July 1, 1893, PAC Thompson Papers, No. 22750, Photocopy in AS. Both Davin and Macdonald were mistaken; Macdonald was defeated in Kingston, but he had been nominated as well for Marquette in Manitoba and Victoria in British Columbia. He gave up Marquette on accepting office and was succeeded by Joseph Ryan who, like Macdonald, was returned by acclamation. Macdonald then sat with Amor de Cosmos for the two-member constituency of Victoria.

86 Mail (Toronto), June 22, 1878, "Political News."

87 Spectator (Hamilton), July 23, 1878, "Haldimand," Copy in AS.



or may not have been related to Davin. While the candidate engaged in a political discussion with the master of a household, the assistant held the housewife in conversation, casually producing the picture of "Mr. Davin's sister." The housewife, usually impressed, would frequently refer the relationship to Davin who would manage to "sigh and murmur a wish that he were as saintly as his dear sister."<sup>88</sup> Although Davin lost the election, it was not through a mistake in tactics; even with the Archbishop against him he took "three fourths of the Irish vote from the Grit camp & brought down a majority from 800 to 166 -- and Thompson a native and worth half a million & a good fellow."<sup>89</sup>

The campaign in Haldimand had eaten into Davin's slim financial resources,<sup>90</sup> but feeling himself at least partially responsible for the success of the Conservative cause, Davin looked to his leader, now leading the government, for a return on his investment. "Either get Mr. Pope to give me a commission to lecture on Canada in the United Kingdom," he wrote Macdonald in December 1878, "or else give me some position in the North-West which could enable me to tide over my little financial difficulties, some temporary thing that would put a few hundred dollars in my pocket and enable me to prospect up there."<sup>91</sup> He was not given a lecture tour or a position in the North-West, but on January 28, 1879, he was commissioned by the Macdonald government to study and report on the system of industrial

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88 Charlesworth, op.cit., pp.25-26.

89 Davin to Thompson, Oct. 28, 1891, PAC, Thompson Papers, Vol. 139, No. 17104. Davin was mistaken again; he had actually reduced his opponent's majority from acclamation to 166.

90 Davin to Thompson, July 1, 1893, PAC, Thompson Papers, No. 22750, Photocopy in AS.

91 Quoted in Norman Ward, "Davin and the Founding of the Leader," Saskatchewan History, Vol. 6, No. 1, 1953, p.13.



schools for the education of Indians and half-breeds in the United States.<sup>92</sup> In the course of his study he travelled to Washington, Minnesota and Winnipeg, and on March 14, 1879, submitted his report in which he reviewed the American experience and made some thirteen recommendations for the guidance of the Canadian government. His report showed a philosophical understanding of the problem, and vigorously supported the role of denominational schools in preparing the Indian for the advent of white society: "One of the earliest things an attempt to civilize [the Indian] does, is to take away their simple Indian mythology, the central idea of which, to wit, a perfect spirit, can hardly be improved upon. ... to disturb this faith, without supplying a better, would be a curious process to enlist the sanction of civilized races whose whole civilization, like all the civilizations with which we are acquainted, is based on religion."<sup>93</sup> Only in those cases in which a settlement was divided on "metaphysical niceties" did Davin recommend non-denominational schools.

On July 24, 1880, Davin was employed again by the Government of Canada as secretary to a Royal Commission appointed to make certain inquiries into matters connected with the Pacific Railway.<sup>94</sup> Expenditures amounting to \$14,287,824 had been made on the railway between 1871 and 1879, but construction had been slow. Liberal railway policy was the subject of debate both in and out of Parliament, and allegations had been made respecting irregularities, extravagances, derelictions of duty and other improprieties.<sup>95</sup> Consequently, on June 16, 1880, the Conservative govern-

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92 Nicholas Flood Davin, Report on Industrial Schools for Indians and Half-Breeds, (Ottawa, 1879).

93 Ibid., p.14.

94 Mail (Toronto), July 26, 1880, "Canada Gazette."

95 G.P.de T. Glazebrook, A History of Transportation in Canada, 2 vols., Carleton Library, Nos. 11 and 12, (Toronto, 1964), Vol. 2, pp.70-72.



ment had appointed Judge George M. Clarke, Samuel Keefer and Edward Miall as Royal Commissioners, and Davin was to be the secretary.<sup>96</sup> The Liberals, somewhat naturally, regarded the commission as an attempt by the Tories to discredit the previous administration, and after the first hearing of the Commission the Globe commented: "The first sitting of the Pacific Railway Commission shows that it has been formed in the hope of making a case against Mr. Mackenzie. From the beginning we inferred so much, because it was absurd to suppose that three of Sir John's tools and Mr. Nicholas Flood Davin would be appointed to make a fair inquiry."<sup>97</sup> Yet Davin never for a moment proposed to make his career as a tool of any man or party. The Pacific Railway Commission, like the Commission on Industrial Schools before it, certainly served to tide him over his "little financial difficulties." However, being eminently qualified for both, and having assisted his party to power, he had, he would argue, served the State to the measure of his capacity, and "the State is not exempt, any more than an individual, from the law of gratitude."<sup>98</sup>

However, Davin was not content to have his capacity measured merely as a political organizer, a defeated candidate or a placeman however able. Davins had never been rewarded for losing, and Nicholas Flood Davin

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96 George M. Clarke was a Junior Judge of the United Counties of Northumberland and Durham; Samuel Keefer was a civil engineer; and Edward Miall was an Assistant Commissioner in the Inland Revenue Department. Davin wrote an introduction to the commission's report in which he reviewed the historical background of the Canadian Pacific Railway. See Report of the Canadian Pacific Railway Royal Commission, 3 vols., (Ottawa, 1882), Vol. 3, pp.1-25.

97 Globe (Toronto), Aug. 14, 1880, "The Royal Inquisition."

98 Davin, Remarks Suggested by President Garfield's Death, p.26.



had not come to Canada to bury himself in the anonymity of journalism or the cribbed confines of a law office. Nor was he disposed to see his talents used as a ladder by which others might climb to power. He therefore wrote to Macdonald early in 1881, saying: "If you think getting me into parliament would be good for the party, you have an opportunity now."<sup>99</sup> Nothing came of this request, but Davin remained confident of his ability to be in some way "a controlling part of the present," an "architect of the future"; the reward he sought was fame through service to his country as a Member of Parliament. Had he been content with notoriety alone, he might have been satisfied with a career at the bar, for in defending an unknown workman against a charge of murder in the spring of 1880, he had already made a reputation for himself which the most generous legal ambition might covet.

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<sup>99</sup> Quoted in Ward, op.cit., p.13.



## CHAPTER IV

### COUNSEL FOR THE DEFENCE

"Mr. Brown has been shot!" The word swept through the Globe offices shortly after 4:00 o'clock on the afternoon of Thursday, March 25, 1880. Soon afterwards it had spread through the city of Toronto, and was being carried by telegraph across Ontario, across the Dominion and to capitals abroad. Within minutes, King Street in front of the Globe office was crowded with people, curious, concerned and indignant, and similar groups gathered in telegraph offices in the major Canadian cities. There was a general feeling of relief when it was learned that the wound, inflicted by a dismissed employee with an impertinent grievance, was not serious, and that Mr. Brown had been taken home where, under the care of his doctor, he was resting comfortably in bed.<sup>1</sup>

Brown's assailant was one George Bennett, alias George Dickson, a short, slight man with large dark eyes, a prominent nose and a large dark moustache and goatee. He was a native of Coburg, Ontario, but had spent much of his life in the United States. About 1875 he had returned to Toronto where he had obtained employment as night engineer with the Globe Printing Company. Some eighteen months after his arrival he met a Mary McGovern and the couple were reputedly married at a ceremony in Yorkville. The union was not successful; Bennett periodically resorted to drink, and both his wife and his job suffered. Finally, he left his wife, apparently to take up residence with her sister, but his troubles were not

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1 Except as otherwise noted, this account is drawn from Globe (Toronto), Mar. 26, 1880, p.1, "Attempted Assassination." See also Careless, Brown of the Globe, Vol. 2, pp.366-67. Professor Careless has relied on this source and also on the reminiscences of Archibald Blue which were published in the Globe (Toronto), July 2, 1904.



over. Early in February 1880 his wife entered suit against him for non-support, and on February 5 he was dismissed from the Globe for neglect of his duties.<sup>2</sup>

Brown had been working alone in his room that afternoon when a knock came to the door and Bennett entered. In a rather hesitating manner the visitor thrust a slip of paper towards Mr. Brown and asked him to sign it. It was, he explained, a statement to the effect that he had worked in the Globe office for five years. Brown refused; he had no idea how long Bennett had worked for the Globe; Bennett should apply to the head of his department. He had already done so, he assured Mr. Brown, but had been refused. Then take it to the treasurer, Mr. Hemming. He would be able to tell from the books the length of Bennett's service. But Bennett was determined. He pressed the paper on Brown crying, "Sign it! Sign it!" Brown continued to refuse. Bennett's hand fumbled towards his hip pocket. "That little wretch might be meaning to shoot me," Brown thought. He moved towards Bennett who, sure enough, now held a cocked pistol in his hand. Brown seized his assailant's wrist; thrust it downwards; there was a struggle; the pistol fired; Brown forced Bennett out of the room onto the landing, and in the scuffle the glass partition of the adjacent waiting room was shattered. "Help! Murder!" Brown cried. A number of employees arrived on the scene; Brown wrenched the pistol from Bennett's hand while two employees, Mr. Thompson and Mr. Blue, held the attacker. Brown walked back into his room. Someone sent for the

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2 Inquest into the death of the Hon. George Brown, Evidence of Thomas Balfour Weir, Sworn Statements of witnesses appearing before Coroner's Court, Toronto, May 10-11, 1880, (hereinafter cited as Inquest Evidence), p.21, office of the Registrar, Supreme Court of Ontario, Photocopy in AS. The precise date of Bennett's dismissal is vague. Weir testified that Bennett was discharged on "Saturday, February the fifth," but Feb. 5, 1880, was a Thursday.



police. Someone else noticed that Mr. Brown had been wounded in the left thigh; Dr. Thorburn, Brown's physician, was sent for, and the wounded man was urged to lie down.

Dr. Thorburn arrived within minutes. On examination of the left thigh he "ascertained that a bullet had struck the limb on its outer surface a little below its middle, and had traversed downwards and backwards making its escape about five inches from its entrance."<sup>3</sup> The bullet had passed beneath the skin, "but did not touch the muscular tissue" and "did not go through a part of the thigh containing any very large arteries bloodvessels or nerves."<sup>4</sup> It was a well-defined bullet wound which the doctor considered "serious,"<sup>5</sup> but, he added, "I would not class the wound as I first saw it under the head of mortal wounds," that is, a wound "that is necessarily fatal."<sup>6</sup> In the meantime, Police Constable Gregory had arrived, taken charge of the prisoner and obtained the pistol from Mr. Brown who identified Bennett as the man who shot him. It was all over. Bennett was taken to the Police Station by Constable Gregory; Brown was taken home in a cab by Dr. Thorburn. Charges would be laid in due course, and everyone expected that George Brown, strong, healthy and vigorous, would soon be back at his place in the Globe office.

Public opinion was outraged at this stupid attempt to assassinate George Brown:

The effect upon the community [the Globe reported] was to create a general feeling of indignation. All condemned the

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3 Inquest Evidence of James Thorburn, p.12.

4 Ibid., pp.14-15.

5 Ibid.

6 Ibid., p.16.



cowardly and murderous attack. This feeling of condemnation was intensified when all the circumstances surrounding the affair came to be known, and when it was learned how little ground there was for so bloodthirsty an attempt to take life.<sup>7</sup>

According to the Evening Telegram, "The attack was a most dastardly one in palliation of which nothing can be said."<sup>8</sup> Goldwin Smith commented acidly to the Prime Minister:

The Czar of King street has had a narrow escape. It does not seem that the attempt was deliberate. The man had been living in U. States and had probably contracted the habit of carrying a revolver. Brown most likely provoked him by some insolence, and the savage in his rage drew his weapon. If he had used a horsewhip, perhaps the wave of public indignation would be less than universal.<sup>9</sup>

The Globe offered its readers a sinister sketch of the assailant. Bennett was "the reputed son of a coloured man and a white woman," but his features, although dark, "would not readily betray this mixture of blood," for "he does not possess the negro cast of countenance."<sup>10</sup> "His whole life lately," the account continued, "has been evidently one in which the man has given way to every vicious passion, drunkenness and lust being his predominant vices."<sup>11</sup> Moreover, investigation had shown that "he was living a life of adultery with the sister of his alleged wife."<sup>12</sup> The rash act of this man was to bring Nicholas Flood Davin again before the

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7 Globe (Toronto), Mar. 26, 1880, p.1, "Attempted Assassination."

8 Evening Telegram (Toronto), Mar. 30, 1880.

9 Goldwin Smith to Sir John A. Macdonald, Mar. 27, 1880, in Joseph Pope, Correspondence of Sir John Macdonald, (Toronto, nd), p.273.

10 Globe (Toronto), Mar. 26, 1880, p.1, "Attempted Assassination."

11 Ibid.

12 Ibid.



Canadian public, this time in the role of counsel for the defence, for according to Senator James Loughheed, Bennett, "an Irishman, a labor agitator, and generally a harmless sort of a chap ... insisted on having Davin defend him."<sup>13</sup>

Brown's wound was treated in accordance with "the usual surgical principles" of the day; cold water dressings were applied, and the thigh was elevated.<sup>14</sup> Yet for a restless, energetic man like Brown who regarded the injury as slight, confinement to bed was irritating in the extreme. Besides, there were problems to be solved: his farm at Bow Park had just suffered serious financial losses which somehow had to be made good; and the meeting of shareholders of the Globe Printing Company, scheduled for March 30, was expected to make important decisions bearing on the future of the Globe.<sup>15</sup> Nevertheless, in the first days the wound seemed to be healing normally; the patient "had good nights and no unpleasant symptoms."<sup>16</sup> However, on the fourth morning, March 29, Mr. Brown "complained of a bad night," and "the exterior of the wound looked irritable."<sup>17</sup> Consequently, Dr. Thorburn prescribed a "carbolyzed application," and the next morning, March 30, the day of the meeting, "advised the calling in of Dr. Aikins"<sup>18</sup> and "strongly advised" Brown "to keep

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<sup>13</sup> Hamilton, "Nicholas Flood Davin."

<sup>14</sup> Inquest Evidence of James Thorburn, pp.14-16.

<sup>15</sup> Careless, op.cit., pp.368-69.

<sup>16</sup> Queen vs George Bennett, Evidence of James Thorburn, Notes of Mr. Justice Matthew Crooks Cameron, dated June 2, 1880, (hereinafter cited as Judge's Notes), p.250, Office of the Registrar, Supreme Court of Ontario, Photocopy in AS.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.



quiet and let business transactions alone."<sup>19</sup> The wounded man was not to be deterred, however, and against the advice of his doctor and the urging of his family<sup>20</sup> he insisted on being "put into a cot and moved into the room where the meeting was held."<sup>21</sup> Ten or twelve shareholders, all personal friends of Brown, were present at the meeting,<sup>22</sup> and Dr. Thorburn was in attendance throughout.<sup>23</sup> Brown had made a careful study of the company's financial situation, and figures had been prepared for him prior to March 25. He presented this material to the shareholders "in a very level tone," according to his brother who was present, and although he spoke for an hour, he "made very little effort."<sup>24</sup> After the meeting, however, "the wound looked a little more angry."<sup>25</sup> Dr. Aikins, who examined Brown the next day, "found the wound bordering on mortification over the space of five inches."<sup>26</sup> Still, he approved of the treatment and on the urging of Dr. Thorburn consented to continue in attendance.<sup>27</sup>

By April 1, the seventh day after the attack, gangrene had

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19 Inquest Evidence of James Thorburn, p.16.

20 Judge's Notes, Evidence of Gordon Brown, p.260.

21 Ibid., Evidence of James Thorburn, p.252.

22 Ibid., Evidence of Gordon Brown, p.260.

23 Ibid., Evidence of James Thorburn, p.252.

24 Ibid., Evidence of Gordon Brown, pp.259-60. See also Nicholas Flood Davin, "The Bennett Case," Rose-Belford's Canadian Monthly and National Review, July-Dec. 1880, p.306, where it is claimed that Brown spoke for two hours and a half.

25 Judge's Notes, Evidence of James Thorburn, p.252.

26 Ibid., Evidence of W.T. Aikins, p.255.

27 Ibid., Evidence of James Thorburn, p.250.



set in.<sup>28</sup> The treatment was continued; Dr. Daniel Clark was called in; and Dr. Campbell of Montreal was sent for. There was no substantial change in the treatment: incisions were made periodically to aid drainage; poultices were applied to relieve abscesses.<sup>29</sup> From this point on, however, the patient's condition steadily worsened, although from time to time he appeared to rally.<sup>30</sup> By the third or fourth week he was reluctant to take nourishment; by the fifth week he refused food altogether and was fed artificially. Finally, on May 9, 1880, some six weeks after the shooting, George Brown died.

The inquest which followed George Brown's death established in elaborate detail the events leading up to the firing of the fatal shot. Bennett had been employed for some five years as night engineer at the Globe office, but of late had been far from a satisfactory employee.<sup>31</sup> More and more frequently his superiors had had to remonstrate with him for his periodic neglect of duty. Finally, early in February 1880, Brown himself had ordered his dismissal for drunkenness on duty. Later that month he had purchased a pistol, and at least one of his associates had the impression that he was contemplating suicide. He was seen in the Globe building from time to time after his dismissal, and on the afternoon of March 25 had been in conversation with several of his former associates in the pressroom. One of them reported that he had brushed against Bennett in passing, caught hold of his coat tail and "saw the butt of a revolver sticking out of his pocket." Bennett had turned on him, saying: "I would as soon put a hole through you as eat my breakfast.

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28 Ibid.

29 Ibid., Evidence of W.T. Aikins, p.255.

30 Careless, op.cit., p.370.

31 This account is a synthesis of the evidence presented at the Coroner's Inquest.



You ought to have more style about you and not show me up in this way. You know I would be heavily fined if caught with this article in my possession." In the course of his conversation with another employee that afternoon, Bennett had alluded to a police court matter in which he was involved -- his wife's charge of non-support presumably -- and had said "he did not care what he did or what became of him."

Bennett had also been seen in Mr. Brown's office shortly after four o'clock that afternoon. He had been talking to Brown -- rapidly, but not in an angry tone. Then a few minutes later the shot, the crash of glass and the cry for help had been heard. Allan Thompson and John Ewan arrived on the scene to find Mr. Brown struggling with Bennett. They had held him, and while Brown took the pistol, Bennett remained perfectly passive in their grasp. Archibald Blue arrived next, and it was only then that Brown realized he had been wounded. He had by this time gone back into his office where he related the events of the shooting which were reported to the Coroner's Jury by John Trimble and William Houston. Houston recalled Brown saying "... that after he had refused to sign the paper [Bennett] moved his hand towards his pistol pocket and that he heard the click of the pistol." Police Constable Robert Gregory had arrived to find Brown lying on the floor in the office. Brown had identified Bennett as the man who shot him, but Bennett made no acknowledgement, and had denied ownership of the pistol. Bennett was then taken to the police station. On the way, he said, "Gregory, this is a big thing, I won't get out of this as easy as the last." At the station he was searched. Forty-two loose cartridges and a bundle of papers were found in his pockets. Bennett became angry when the papers were taken from him. "...don't take those," he said, "they are my life policy." On being locked in the cell, Bennett told another policeman that he had



not intended to shoot Brown. It was "the man that worked with him" he was after, but when Brown would not give him a letter of recommendation, "He gave [Brown] the contents of the revolver." Later, on being told that Brown had been shot through the leg, Bennett remarked "... it was a damned good job his legs were so long or he would have got it somewhere else," and he went on to suggest that "it would have served him right if he had had it two or three years before."

The papers which had been found on Bennett at the time of his arrest were put in as evidence, but were not read to the Court. Mr. Fenton, who was conducting the inquest for the Crown, interrupted his examination of Gregory to advise the Court that he had consulted with Bennett's counsel, Mr. Davin, "and they had agreed in the propriety of not alluding to them at present, but of reserving them for a future trial." However, he had given the matter further thought and had concluded that "all would admit that there was abundant evidence that the prisoner fired the shot" -- "I would not admit even that," Davin interjected -- but on the question of intent, Fenton continued, "he was not so clear that he had furnished all the evidence." Fenton did not want to do anything which might prejudice the prisoner's chances before a jury, and he therefore suggested "that the papers be read to the Coroner and jury alone, the witnesses and the press being excluded." Mr. Davin concurred. He had seen these papers and thought it would be most improper to admit them "at any stage of the proceedings," since "they had no bearing whatever on the issue before the Court and jury," and he ventured to suggest that they would not even be admitted at a trial.<sup>32</sup> Nevertheless, the papers were

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32 Globe (Toronto), May 11, 1880, p.4, "The Late Mr. Brown."



read to the Coroner's Court at the end of the inquest,<sup>33</sup> but they were not made public until they were entered as evidence at the trial itself.<sup>34</sup>

The first of these notes was dated February 14, 1880, and began: "Though the bearing may be outwardly calm and composed, and present the appearance of peace and contentment, beneath the surface may be a heart with trouble sore." It went on to relate that despite "years of abuse" and "years of misery untold," the author had always tried "to live at peace with the world." His associates could testify to this, but one man from the very first had been his bitter enemy and "had left nothing undone that would assist in destroying my character or causing my removal." The man was not named, but it might well have been James Banks, Globe engineer, to whom the note referred. The note outlined a plan formulated some two years earlier to shoot this "enemy " and "chop him up and burn him in the furnace," but the plan had been discarded, since "the crime would be traced home to me" through the purchase of a revolver. His present plan, however, "will carry me beyond the fear of detection"; he intended "on the second Tuesday in April" to dispose of his "enemy" and then kill himself. The note concluded with a farewell to all his friends; it was endorsed with the words: "Death is a stern master, who shows no favours between men"; and it was signed "Geo. Bennett." Witnesses at the inquest testified that the signature on these documents was Bennett's and the notes were in his handwriting.<sup>35</sup>

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33 Inquest Evidence, p.26. The Coroner, Arthur Jukes Johnson, appended the following note at the end of the witnesses' sworn statements: "After the press was removed from the room, the prisoner still remaining, the papers found on prisoner and which were put in, were, in part, read to the jury by me."

34 Globe (Toronto), June 23, 1880, p.4, "The Late Mr. Brown."

35 Inquest Evidence of Thomas Balfour Weir, pp.20-21, and George Patterson, p.20.



A second note, similarly suicidal in intent, dated March 22, made reference to the burdens brought upon him "as payment for the friendship bestowed upon a false woman" -- [Mary McGovern?] -- and attempted to vindicate the character of her sister Annie. A third note, dated March 25 and addressed "Dear Annie," indicated that he sought the lives of three unnamed men "as the price of the injustice I received at their hands." Another note, undated, was apparently written on the day of the shooting. It began: "I intend to ask a simple request that I have been already once refused. Should I get a similar refusal this time, then I will send this man where equal rights is every man's portion, and the poor man's claim is as good as the rich." In two other notes Bennett reflected on life and death in a mixture of prose and rhyme.

A post mortem examination had been made on May 10 by Drs. Thorburn, Aikins, Clark and Wright but the medical evidence was not reviewed by the Coroner's Court until the second day of the inquest. At the opening of the court on May 11, "Mr. Davin said that he gathered from the tone of Mr. Fenton's language that he was aiming at having the Court and jury decide the guilt or otherwise of the prisoner." He pointed out that the function of a coroner's jury was to make merely "a preliminary enquiry into the case," but questions of guilt or innocence should be decided by "a jury of this man's own peers." The eminent and intelligent gentlemen assembled as jurors undoubtedly possessed the confidence of the public, but they were obviously "mainly men of Mr. Brown's own class."<sup>36</sup> Indeed they were: W.H. Howland, foreman of the jury, was later mayor of Toronto, and Sir Casimir Gzowski, P.G. Close, H.S. Mara and others "became important figures in the city's life during the developing years

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<sup>36</sup> Globe (Toronto), May 12, 1880, p.3, "The Late Mr. Brown."



which followed."<sup>37</sup> The coroner replied that "the jury were sworn to inquire how, when, and by what means the deceased came to his death, and he would see that they should go into all the facts."<sup>38</sup>

Dr. Thorburn informed the court of the post mortem findings.<sup>39</sup> "The body was considerably emaciated," he said, but the internal organs were "generally in a healthy condition." He concluded "from a personal knowledge of the history of the case and from a most careful examination of the body after death that George Brown came to his death from the effects of the shot in the thigh which he received on the twenty-fifth day of March and from no other cause." When Davin attempted to examine Dr. Thorburn on his treatment of the deceased, the Coroner objected "because the law expected every licensed medical man should know how to treat every wound." In reply Davin said, "and he would say it with reverence -- that while the law enabled a medical man to kill his patients, it did not prevent him from saying in the witness-box what treatment he applied to a wound."<sup>40</sup> Thorburn then gave an account of the treatment, and in reference to the shareholders' meeting said: "This special meeting may or may not have had an injurious effect."<sup>41</sup> Dr. Aikins gave similar testimony.<sup>42</sup> The wound had resulted in the "extensive destruction of living parts" which led to "more or less continuous feverishness -- disturbed sleep -- great loss of appetite -- general prostration -- jactitation of muscles --

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37 Albert R. Hassard, Famous Canadian Trials, (Toronto, 1924), p.156.

38 Globe (Toronto), May 12, 1880, p.3, "The Late Mr. Brown."

39 Inquest Evidence of James Thorburn, pp.12-16.

40 Globe (Toronto), May 12, 1880, p.3, "The Late Mr. Brown."

41 Inquest Evidence of James Thorburn, p.16.

42 Ibid., Evidence of W.T. Aikins, pp.17-19.



finally total aversion to food -- drowsiness -- asthenic congestion of the lungs, and death." There was not the slightest doubt in his mind "that the Hon. George Brown died from the results of the pistol wound he received on the 25th March 1880." Similarly, Dr. Daniel Clark testified that the post mortem had revealed "no cause of death except from the results of the condition of the thigh."<sup>43</sup> After deliberating for one hour, the Coroner's jury found "That ... George Brown did on the ninth day of May instant come to his death of a wound, caused by a shot fired from a pistol in the hands of the prisoner George Bennett alias Dickson -- said shot being feloniously wilfully and of malice aforethought fired on the twenty-fifth day of March last with intent to kill and murder the said Honorable [sic] George Brown."<sup>44</sup>

On the face of it, the evidence against Bennett appeared overwhelming. In addition, public opinion and its influence on prospective jurors would have to be taken into account in working up his defence. The Globe, except for its initial report, had maintained an attitude of commendable objectivity, but other journals had quickly taken upon themselves the trial and conviction of George Bennett. On March 30, when Brown was still expected to recover, the Evening Telegram had written: "Some of our contemporaries are calling out for the severest punishment of the man who shot Mr. George Brown. Severely punished the man no doubt will be and he richly deserves it. But it will be as well to let the law take its natural course without provoking public feeling against

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<sup>43</sup> Ibid., Evidence of Daniel Clark, p.19.

<sup>44</sup> Inquest into the death of the Hon. George Brown, Finding of Coroner's Court, Toronto, dated May 11, 1880, Office of the Registrar, Supreme Court of Ontario, Photocopy in AS.



the prisoner."<sup>45</sup> On May 13, after Brown had died, the same journal was still urging that the law be "allowed to take its course without outside feeling being imported into the case." "Even the meanest wretch that ever struck a mortal blow is entitled to a fair trial, and this, it is to be hoped, the man Bennett will get." Yet the editor was moved to add: "There need be no fear of the law being cheated, or of a culprit going unwhipt of justice, in this case, of all cases, so that passionate appeals for rude justice are altogether out of place."<sup>46</sup>

Bennett's own story as related to his counsel the day after the shooting was simple and straight-forward. He had had no intention of shooting anyone. He had taken the gun from his pocket simply "to place it in his left hand, in order that he might search for a paper."<sup>47</sup> Brown had leaped at him and in the ensuing struggle the pistol had fired. Could it have been an accident? It might have been, but it would be very difficult to develop a defence of this nature. Bennett had had a loaded gun; it had been fired in the direction of the deceased; and it had been in Bennett's hand when fired. The prosecution was therefore relieved from showing that it had been fired with intent to kill or wound. It was the responsibility of the defence to prove the contrary, namely, that the gun had been fired accidentally, not intentionally, or at least to cast sufficient doubt on the matter to entitle the accused to claim the benefit of that doubt. Yet no paper which might have substantiated Bennett's story was found in the revolver pocket or anywhere else, and those papers which were found on Bennett gave a clear indication of intent against which his protestations of innocence would be of

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<sup>45</sup> Evening Telegram (Toronto), Mar. 30, 1880.

<sup>46</sup> Ibid., May 13, 1880.

<sup>47</sup> Davin, "The Bennett Case," p.304.



no avail. Moreover, how could the defence explain not merely a loaded revolver, but forty-two loose cartridges? Clearly, a plea of accidental shooting would not stand up in court.

Similarly, drunkenness was no defence. In the first place, the evidence was inconclusive. Bennett had talked to several people that afternoon, and he had been quite coherent. Constable Gregory, for example, had testified at the inquest that Bennett had apparently been drinking, but he was not drunk.<sup>48</sup> Richard Worth had given evidence that upon Bennett's arrival at the police station he "did not smell strongly of liquor."<sup>49</sup> George Patterson, who had talked to Bennett in the pressroom before the shooting, judged that "He was not drunk but had been drinking,"<sup>50</sup> and James Banks, who had also seen Bennett early in the afternoon of March 25, "thought he was sober, but had been on a spree."<sup>51</sup> Moreover, while a jury might be entitled to consider its verdict in the light of the intoxicated condition of the accused, intoxication alone as a plea against a charge of murder, was, according to a later writer, a defence "travelling in the judicial wilderness" in the 1880s.<sup>52</sup> Davin, too, was clear on this point: "... if a man," he wrote later, "by drinking, renders himself furious or insane, he is responsible for what he does, and if he kills any one while in that state is guilty of murder."<sup>53</sup>

There was, on the other hand, the plea of insanity. The

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<sup>48</sup> Inquest Evidence of Robert Gregory, p.9.

<sup>49</sup> Ibid., Evidence of Richard Worth, p.12.

<sup>50</sup> Ibid., Evidence of George Patterson, p.21.

<sup>51</sup> Ibid., Evidence of James Banks, p.25.

<sup>52</sup> Hassard, op.cit., p.152.

<sup>53</sup> Davin, "The Bennett Case," p.302.



act itself was insane. What rational man would shoot another simply because the latter refused to sign a statement of fact? What rational man would commit his plan to paper and carry those confessions of intent upon his person when in the very act of effecting his purpose? Undoubtedly, Bennett was mad. Still, if his counsel were to seek to establish a defence of insanity, he would be required to prove clearly, not that Bennett was "crazy" in the popular conception of mental disorder, but that "at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong."<sup>54</sup> The very evidence which might be marshalled to show Bennett "crazy" in the popular mind could be torn to shreds under this test. His notes showed that he was rational enough to formulate a plan to kill his "enemies" and to discard one which would inevitably lead to his detection. In addition, the notes gave further evidence of his rationality: "Writing and keeping upon his person crminating documents," Davin wrote, "would indicate madness, were it not that those documents showed that he contemplated suicide and therefore intended that those documents should be found upon him."<sup>55</sup> Moreover,

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54 McNaghten Rules. See Encyclopaedia Britannica, 1969 ed., s.v. "Insanity," by Francis Alfred Allen. The McNaghten Rules were formulated in 1843 as a result of a case in which Daniel McNaghten, "acting under the illusion that he was being persecuted by Sir Robert Peel, shot and killed Peel's secretary, Edward Drummond, believing him to be Sir Robert." McNaghten was acquitted on grounds of insanity, but the public outcry was such that the House of Lords addressed a series of questions on the matter of legal insanity to the English judges, and the responses to these questions have come to be known as the McNaghten Rules.

55 Davin, "The Bennett Case," p.302.



evidence at the inquest showed that Bennett knew that he could be in trouble if found with a revolver in his pocket;<sup>56</sup> surely he could also be expected to know that the act of firing the weapon at a person was wrong as well. Nevertheless, Davin did have his client medically examined, but "no medical man of character would say that Bennett, after he had been a few days in prison was insane."<sup>57</sup> It might have been possible to obtain medical evidence of insanity at the time of the shooting predicated upon the notes, but "Even then there would have been the question whether the insanity was not superinduced [by alcohol]. If it was it would furnish no answer to a charge of murder."<sup>58</sup> Thus, like drunkenness, the plea of insanity was a weak one in this case. Insanity was "comparatively unknown" as a defence in Canada at that time,<sup>59</sup> and although "a jury was entitled to mitigate the verdict in consideration of [the] condition"<sup>60</sup> of the accused, Davin concluded, quite properly, that it would be unwise to develop Bennett's defence on a plea of insanity alone.

Neither accidental shooting, nor drunkenness nor insanity, then, appeared to provide an adequate plea for Bennett; his defence in each case was too vulnerable; the chain of circumstances was too strong. There were weak links, to be sure: his motive might be doubted, but it could not be disproved; no one but Bennett and Brown knew exactly what had taken place in that room, and with one exception the evidence which

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56 Inquest Evidence of George Patterson, p.21.

57 Davin, "The Bennett Case," p.302.

58 Ibid.

59 Hassard, op.cit. p.172.

60 Ibid.



had been produced at the inquest concerning those events could be construed to Bennett's advantage. But Brown had heard the click of the pistol being cocked! Davin put it this way:

Put away Bennett's letters, put away all he said after the fatal act, take only the naked circumstances enacted within Mr. Brown's room and in the lobby outside, and let that "click" with its metallic sound fall on the jury's ear, and the task of an advocate would be a difficult, if not an impossible one. But with all the facts!

We speak of a "chain" of circumstantial evidence; a rope is the best figure. Take the rope here, cord by cord, of legitimately proved circumstances; the buying of the pistol; the dismissal; the refusal of a recommendation; the contemplated suicide; the earnest inquiries a few minutes before the tragedy whether Mr. Brown is alone in his office; the report of the pistol; the cries of "murder"; the struggle; the pistol warm from recent discharge; one chamber empty; the wound; the bullet found which is like others in the prisoner's possession, and in the unloaded [sic] chambers of the revolver; the documents found in prisoner's possession, all written recently and registering a determination to kill three persons, one being so described as to apply by no possibility to any one but the late Mr. Brown; this determination to kill declared to be contingent on Mr. Brown's doing, a second time, what it was proved and admitted he did do, namely, refuse to sign a paper having reference to a term of service; the prisoner's description of his act as designed to one policeman, and using language to another which was fairly open to a like construction ....

Very much less evidence would have been enough to make a jury, taken from an excited and inflamed people, find a verdict of guilty. But the public mind was -- shall I say prepared? -- by reading of Bennett's troubles with two women .... Whatever view may be taken of his relationship to these women, while the worst did not place him below the character of men of low dissipated habits, the very best shut the door of sympathy against him.<sup>61</sup>

Confronted with this evidence and in these circumstances, the best Davin could do for his client was to leave the evidence alone. He could capitalize on the doubts intrinsic in the evidence, but much more would be needed to win an acquittal. Yet there was another element in the case! The wound was a minor flesh wound, by no means fatal of itself.

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<sup>61</sup> Davin, "The Bennett Case," pp.304-5.



Bennett might be guilty of inflicting this wound, but he was not necessarily guilty of killing George Brown. Surely Brown or his medical attendants must bear some responsibility for death ensuing from a superficial bullet wound. This tactic, of course, raised its own problems; it was by no means certain that pathological evidence could be obtained to show that George Brown was the author of his own demise, and technically it was not a defence against a charge of murder, since "Fatal consequences following improper treatment do not mitigate the responsibility of one who has done a shooting."<sup>62</sup> Davin admitted that there was a problem to distinguish between fatal consequences arising on the one hand from the wound, or on the other hand from unskilful treatment, but he was able to cite one authority, Alfred Swain Taylor's The Principles and Practice of Medical Jurisprudence, in which it was claimed that "... there can be few cases of severe injury to the person wherein a distinction of this nature could be safely made; and the probability is that no conviction for murder would now take place if the medical evidence showed that the injury was not originally mortal, but only became so by unskilful and improper treatment."<sup>63</sup> Here, then, was another doubt to cast between the jury and a verdict of guilty, and moreover, this tactic offered the singular advantage of turning attention away from the unprepossessing figure of the accused. In this respect it was a classic defence which might be expected to appeal to Davin's poetic instincts. Furthermore, in Davin's view, it was "The only hope of saving Bennett from the gallows ...."<sup>64</sup> He would therefore put George Brown and his physicians in the dock.

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62 Hassard, op.cit., p.166.

63 Davin, "The Bennett Case," p.307.

64 Ibid., pp.304-5.



George Bennett went to trial in the Court of Oyer and Terminer on June 22, 1880, Mr. Justice Matthew Crooks Cameron presiding. There is a certain irony in the fact that the judge as a barrister had some years earlier conducted the defence of the man who had assassinated D'Arcy McGee.<sup>65</sup> Mr. Aemilius Irving, Q.C., appeared for the Crown. Irving had a reputation for "inflexible severity" and "marvellous successes" as a prosecutor.<sup>66</sup> Nicholas Flood Davin as senior defence counsel was assisted by Mr. C. White Mortimer. Throughout the trial the courtroom and its approaches were, according to the Globe account, "thronged with visitors anxious to witness the progress of the case."<sup>67</sup> Ten of the proposed jurors were challenged by the defence<sup>68</sup> before Mr. Irving opened the case for the Crown with a brief statement relating the events of the shooting and the subsequent death of George Brown. He then proceeded to call his witnesses, most of whom had previously given their evidence at the inquest. Four of the prosecution witnesses had not appeared at the inquest, but only one of these, Archibald McDonald,<sup>69</sup> was able to contribute further evidence to the case for the Crown. He had been with Brown in his office at the Globe from 3:00 until 3:15 on March 25. As he came out of the Globe Building he had met Bennett in the street. Bennett had shaken hands with him and asked if Mr. Brown were in his office and if he were alone, since if there were someone with him talking politics "he did not wish to interfere." The Crown did not attempt to introduce Brown's account of the shooting as certain inquest witnesses had related it, since

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65 Hassard, op.cit., p.157.

66 Ibid., p.159.

67 Globe (Toronto), June 23, 1880, p.4, "The Late Mr. Brown."

68 Judge's Notes, p.273. In the Globe account cited above it is reported that the defence challenged nine prospective jurors.

69 Judge's Notes, Evidence of Archibald McDonald, p.256.



this was mere "hearsay" evidence which could not be admitted at the trial, and strangely enough no attempt had been made to obtain an affidavit or ante mortem statement from Mr. Brown.

In cross-examination Davin made no attempt to destroy the evidence of the prosecution witnesses. He concentrated instead on eliciting information which might contribute to conflicting interpretations of the facts as presented: Brown's position in the room when Blue passed the door;<sup>70</sup> the fact that Bennett had made no attempt to escape;<sup>71</sup> whether Bennett appeared to be drunk;<sup>72</sup> the energetic character of George Brown;<sup>73</sup> whether Brown had grasped Bennett's arm before or after the pistol had fired;<sup>74</sup> whether Bennett had said to Gregory that the shooting was "a big thing" or whether he might not actually have described it as "a sad thing";<sup>75</sup> whether the papers found on Bennett were in his handwriting;<sup>76</sup> and so on. It was in the cross-examination of Dr. Thorburn that Davin began seriously to develop the case for the defence; his "cross-examination of this witness produced the real sensation of the trial."<sup>77</sup>

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70 Ibid., Evidence of Archibald Blue, p.238.

71 Ibid., Evidence of Allan S. Thompson, p.239.

72 Ibid., Evidence of John Trimble, p.241.

73 Ibid., Evidence of Avern Pardoe, p.243.

74 Ibid., Evidence of William Houston, p.244.

75 Ibid., Evidence of Robert Gregory, p.245.

76 Ibid., Evidence of James Banks, p.249.

77 Hassard, op.cit., p.165. This is a useful account of the trial. Hassard was a lawyer and if he were not himself present at the trial, he almost certainly had opportunities to question people who were.



In the cross-examination of Dr. Thorburn, Davin attempted to establish a connection between the appearance of the more serious symptoms and the meeting in which the patient had participated on March 30, the fifth day after the shooting. The doctor maintained, however, that "it was on the fourth morning the worse symptoms appeared."<sup>78</sup> He maintained further that he had called Dr. Aikins the next day, about mid-day, knowing that Brown insisted upon attending the meeting against his advice. He admitted that after the meeting "the wound looked a little more angry ... the parts were inflamed [but] not bordering on mortification."<sup>79</sup> While he admitted that any excitement was injurious, he would not admit that attending the meeting was "an act of suicide on Mr. Brown's part."<sup>80</sup> In cross-examination of Dr. Aikins, however, Davin was able to raise certain doubts about the sequence of events at this critical juncture. Aikins was under the impression that Thorburn had asked him on March 31, to visit the patient.<sup>81</sup> This would be the sixth day and the day after the meeting. If this were the case and Dr. Thorburn were mistaken as to the date upon which he had seen fit to call in assistance, then surely the meeting had had some affect on Brown's condition. On the other hand, if Thorburn were right and he had felt the need of assistance on March 30, then surely he was at fault for having allowed his patient to attend a meeting at a time when the condition of his wound had begun to deteriorate to the point where further medical advice was

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78 Judge's Notes, Evidence of James Thorburn, p.252.

79 Ibid.

80 Ibid.

81 Ibid., Evidence of W.T. Aikins, p.255.



required. Davin was obviously close to the mark here, for the Crown undertook a re-examination of Aikins on this point: "I think Dr. Thorburn called me on the day before I went." Aikins replied, "but I will not swear that."<sup>82</sup> Otherwise, however, Aikins could not be induced to connect the decline in Brown's condition with the meeting: "The meeting might or might not do harm," he said.<sup>83</sup> Similarly, Dr. Clark advised the court that "attending the meeting might produce bad effects," and again, "It would have been better if deceased had not held the meeting."<sup>84</sup> Dr. Henry Wright stated to Mr. Irving: "I would have objected to his attending the meeting. It was not judicious."<sup>85</sup>

Davin had somewhat better results with his own medical witnesses. All agreed that it was unwise at the very least for Brown to have attended the meeting, but not one would say that this act alone or the treatment he received was the actual cause of death. Dr. A.A. Riddell stated: "It is generally agreed that any kind of exertion is injurious. Speaking for two hours and a half might be injurious -- it would increase the danger. I am not able to decide that it had."<sup>86</sup> Under cross-examination he said: "I think Mr. Brown should not have interfered with any business. The inflammation having set in before the meeting, the meeting may have had nothing to do with the increased ill condition, though it is probable it had."<sup>87</sup> Dr. Canniff was somewhat less equivocal: "All

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82 Ibid., p.256.

83 Ibid., p.255.

84 Ibid., Evidence of Daniel Clark, pp.253-54.

85 Ibid., Evidence of Henry Wright, p.254.

86 Ibid., Evidence of A.A. Riddell, p.257.

87 Ibid.



gun shot wounds are dangerous," he said. "It was something more than injudicious to have attended the meeting."<sup>88</sup> "It is not at all unlikely," he added under cross-examination, "attending the meeting may have been the turning point .... It will scarcely be possible for one to remain in one position and not move the limb while speaking."<sup>89</sup> In the re-examination he continued: "Holding the meeting after signs of the inflammation was more imprudent than it would have been without such signs."<sup>90</sup> Dr. Norman Bethune gave evidence as follows: "I should condemn any person attending the meeting at once and would give up my attendance."<sup>91</sup> He maintained this position under cross-examination: "If a patient will not follow my prescription and follow out my instructions I should have nothing to do with him. I do not say that exertion must necessarily lead to fatal results. The meeting would aggravate the injury. I think if the meeting had not been held Mr. Brown would have had a better chance. It was possible without that meeting, but not probable the result would have been fatal."<sup>92</sup> Dr. Cornelius Philbrick who gave evidence that in his forty-two years practice he had not seen a fatal gunshot wound in the lower limbs, described Brown's action in attending the meeting as "a pretty mad trick." "To move him was the likeliest way to lead him to his death."<sup>93</sup> He too was cross-examined, but did not waver from his position: "I say that the nervous excitement of holding a public meeting of any kind would

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88 Ibid., Evidence of Wm. Canniff, pp.257-58.

89 Ibid., p.258.

90 Ibid.

91 Ibid., Evidence of Norman Bethune, p.258.

92 Ibid.

93 Ibid., Evidence of Cornelius Philbrick, p.259.



be the likeliest way of killing him, and if inflammation had set in it would be worse to do so than if there had been no inflammation. Deceased would have had a chance if he had been left alone and kept quiet."<sup>94</sup> Dr. George Wassen expressed his opinion that "It was not prudent to hold a meeting under the circumstances in evidence. It would be a very dangerous proceeding."<sup>95</sup> Yet under cross-examination he admitted that "such a meeting might have been held without fatal consequences."<sup>96</sup>

Davin called only two other witnesses. William Fahey, an insurance agent, testified that Bennett had approached him on the day of the shooting wishing to purchase an accident policy. He had not sold him the policy because he concluded that Bennett, although not drunk, had been on a spree and was in no condition to conduct business.<sup>97</sup> This was evidence not only of Bennett's unstable condition on the fatal day, but of the fact that he may have been contemplating suicide. Gordon Brown, brother of the deceased, was the last defence witness. He gave evidence of the manner in which Brown had conducted himself at the meeting; he had spoken "in a very level tone -- made very little effort."<sup>98</sup> On cross-examination he claimed that "it would have done [George Brown] more harm to have prevented the meeting than to have allowed it to go on."<sup>99</sup>

There is no record of Davin's final appeal to the jury, nor of Irving's for that matter. The Globe restricted itself to the brief statement "Mr. Davin then addressed the jury for an hour on the prisoner's

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94 Ibid.

95 Ibid., Evidence of George Wassen, p.259.

96 Ibid.

97 Ibid., Evidence of William Fahey, p.257.

98 Ibid., Evidence of Gordon Brown, p.260.

99 Ibid.



behalf," claiming that the shot was not fired with "murderous intent," but that "through drink and dissipation [Bennett] did not know what he was doing; and that the wound inflicted was not necessarily a fatal one."<sup>100</sup> Hassard's flowery account dwells on the manner of the address with only a passing allusion to the matter:

[Davin's] speech, according to one whose memory floats reminiscently backward along the shadowy hollows of the years, and who heard that brilliant effort of the man who afterwards became the wizard orator of the plains, says that seldom was a nobler specimen of eloquence heard within a Canadian Court-room. It was a matchless rhetorical endeavour, and the great audience that heard it felt the irresistible charm, the nameless spell of the orator's enchantment, as he sped from pinnacle to pinnacle of master literary endeavour. A Cicero was speaking; the thunders of an Erskine were shaking the walls. Shakespearean quotations, extracts from authors unknown to anyone in the Court-room, were pouring with unrestrained readiness from the gifted orator's lips. Now he was ascending on a matchless Miltonian paragraph. Now he was flooding the air with poetical gems. Now he was reasoning with Bacon-like severity. Now he was imploring with an Irving-like fervour. This brilliant speaker's pleading was not that Bennett had not fatally wounded the statesman. It was that proper care and prudence had not been observed by the dying man himself, and that his folly alone was responsible for his death. The argument was enforced with unanswerable logic and eloquence, but unfortunately it was not based on law. Mr. Davin spoke for over an hour, and concluded with one of the most masterly appeals for a human life that has ever been heard in a Toronto Court-room.<sup>101</sup>

The Crown, prosecutor received even less attention in the Globe, but Hassard gives something of the style and manner of his address as well: "Mr. Irving rose on no airy wings of scintillating eloquence, but at times the timbers of the old Court-room seemed to tremble as the Crown Counsel thundered his denunciation of the prisoner's mad deed in slaying one of the foremost statesmen in Canada."<sup>102</sup>

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<sup>100</sup> Globe (Toronto), June 23, 1880, p.4, "The Late Mr. Brown."

<sup>101</sup> Hassard, op.cit., pp.170-71.

<sup>102</sup> Ibid., p.171.



Mr. Justice Cameron then proceeded to charge the jury.<sup>103</sup>

He pointed out to them that they could find the prisoner guilty of murder, or of a lesser charge or they could acquit him. The Crown was satisfied that sufficient evidence had been presented "from which the jury ought to draw the worst conclusion against the prisoner," namely, that he was guilty of wilful, premeditated murder. However, His Honour continued, the defence counsel had left considerable doubt that the events in Mr. Brown's office had happened in a particular way. The fact that Mr. Brown had not at first realized he had been hit, despite having heard the discharge of the pistol, ought to be a "material consideration" in determining whether the shooting had been a deliberate act on the part of the prisoner. The jury ought also to read the papers found on Bennett in the light of Bennett's considerate comments to Mr. McDonald in not wanting to interrupt Mr. Brown if he were busy, and of his friendly attitude to Mr. Banks on March 25, in order to determine "whether these writings impressed them as the writings of a man who knew what he was doing, and that he regarded them and wrote them in a spirit of devilishness and with an evil intention. If so, he was guilty of wilful murder." Furthermore, Mr. Justice Cameron charged the jury to consider the purport of the statements Bennett had made to the police officers in determining whether Bennett was guilty of murder, or manslaughter "or of no offence at all." With respect to Davin's main line of defence, the judge had this to say:

The defence also argued that, admitting that it was the prisoner who fired the pistol, the wound that was inflicted was not a fatal one, and that under ordinary circumstances such a wound as that ought not to have proved fatal, and, that being so, they would have to look for

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<sup>103</sup> Except as otherwise noted, this account is drawn from Globe (Toronto), June 23, 1880, p.4, "The Late Mr. Brown."



some other cause than the fatal result of the mere wound itself. There was no one coming forward to say that the treatment he received was not that which was applicable to his case, and so there was nothing resulting from the want of care on the part of the medical men. While the medical men admitted he was very imprudent, there was no one of them who pretended to say that death would not have resulted from the wound in the condition in which Dr. Thorburn reported it upon the fourth day and previous to the meeting.

The judge concluded his charge by advising the jury that if any doubt existed in their minds on the question of premeditation they were to find the prisoner guilty of the lesser charge of manslaughter. The jury then withdrew shortly before 8:00 p.m. Two hours later they returned to have the evidence of Drs. Aikins and Wright read to them again, then a few minutes before 11:00 p.m. they returned a verdict: guilty as charged. One Old-Country Scotsman on the jury, William Simpson, later of Yorkton in the North-West Territories, had held out against acquittal. "I had all the others of the jury," Davin was to claim, "but that hard-headed Scotsman. He was the man who hanged the murderer of George Brown."<sup>104</sup> Before sentence was passed the prisoner stated: "I have only to say that I have not wilfully committed this crime." His Lordship then sentenced the prisoner to be hanged on July 23, 1880. "I would rather you make it a bit shorter if you could," said Bennett rubbing his hands together, "it would be more suitable to me." There was no appeal, and on July 23 Bennett was hanged, still professing himself innocent of the wilful murder of the Honourable George Brown. Davin "felt Bennett's fate dreadfully," Senator Lougheed recalled later, and he went on:

A few days before the execution the sheriff brought in a nicely engraved card inviting Davin to the final scene. I remember yet how Davin tossed it into the waste paper basket and then leaned his head upon his hands, a picture

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104 Stubbs, Lawyers and Laymen of Western Canada, p.6.



of woe. I asked him if he intended going to the execution and he said, "Certainly not." I thought that as I was studying law that perhaps I should see an execution and I asked Davin if I might have his card. He said, "Do what you damned well please about it."<sup>105</sup>

The Bennett case was thus disposed of; justice was done; the law student went to the execution; and Davin wrote of what were, to him, the disturbing elements surrounding the case. While "It was no scandal to hang Bennett," he said, some of the jury may have entered the box with preconceived opinions, and this may have been unavoidable, "But, for this very reason, the trial, with its surroundings, furnish the best possible opportunity for reproofing sentiments and conduct inconsistent with fairness, to say nothing of the Divine Spirit of our Lord, which is supposed to be abroad amongst us."<sup>106</sup> The press, he claimed, had forgotten its duties, and he alluded particularly to the Telegraph [sic]<sup>107</sup> and the Mail. Bennett had been arraigned before the court of public opinion before even his case came to trial, and "This coloured, nay dyed, the source whence his judges were to be drawn."<sup>108</sup> "... the press, the boasted organ of progress and enlightenment, proclaimed him guilty, and called for vengeance before he was tried."<sup>109</sup> He was critical, too, of the conduct of the medical profession "save the generous few who, unpaid, gave evidence at the trial."<sup>110</sup> Others,

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105 Hamilton, "Nicholas Flood Davin."

106 Davin, "The Bennett Case," p.300.

107 This is probably a reference to the Toronto Evening Telegram which superseded the Toronto Telegraph on Apr. 18, 1876.

108 Davin, "The Bennett Case," p.300.

109 Ibid., p.305.

110 Ibid., p.303.



however, who claimed privately that Brown ought not to have died, who hinted even at malpractice, refused to go into the witness box on Bennett's behalf. He also directed a shaft at the judicial system which made no provision for financial assistance in a case "where medical questions arise and the prisoner is poor."<sup>111</sup> He then went on to examine in some detail the defence argument that Brown's death ought to be attributed, in part at least, to his own imprudence. If Bennett could not be given the benefit of the doubt in this case, the very least that should be done would be to embody the probability in a statute, "so as to remove as far away as possible from our judicial precedence [sic] the disturbing influence of popular passion."<sup>112</sup> Davin the lawyer had lost his case; Davin the poet used it as a looking-glass held up to nature.

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111 Ibid., p.306.

112 Ibid., p.307.



## CHAPTER V

### REGINA, THE LEADER AND RIEL

Davin did not participate in the election campaign which began with the dissolution of Parliament in the spring of 1882. The Mail reports his attendance at only one meeting where he gave an eloquent if somewhat academic address "on the study of politics in Canada."<sup>1</sup> He may have felt that his position as secretary to the Royal Commission on the Pacific Railway imposed a certain restraint on his political activities; more likely, he was left on the sidelines simply because the party hierarchy, confident of victory, had no need of his services. His career had shown not only a marked brilliance of mind, but an element of intellectual independence as well; it had demonstrated his dedication to the Conservative cause, but it had also shown that to him dedication did not imply uncritical devotion. It would have been a simple matter to find a seat for Davin,<sup>2</sup> and he would have made a brilliant Member of Parliament. One suspects, however, that there were those who felt he would also have been a difficult member of the Conservative caucus. It was clear, therefore, that if Davin were to find a place for himself in the Canadian House of Commons, he must first build a power base of his own, independent of the party establishment. With a new constituency in his pocket, he could negotiate from strength. The conclusion was obvious: he would go West!

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1 Mail (Toronto), May 29, 1882, p.5, "Y.M.I.C.A."

2 J.B. Plumb, who had been a regular member of the Prime Minister's entourage throughout the campaign, had no difficulty in securing the Conservative nomination in North Wellington as late as June 10, 1882, ten days before polling day, to replace John Prain who had retired from the contest for personal reasons. See Mail (Toronto), June 12, 1882, p.2, "Election Notes," and p.4, "Mr. Plumb for North Wellington."



The pattern of western settlement had changed but slowly in the years following the acquisition of the Territories by the Dominion. It is estimated that in 1871 there were upwards of 1,000 souls, exclusive of Indians, scattered throughout the small mission settlements and trading posts of the North-West.<sup>3</sup> These were augmented by the migration of Métis from the Red River and of venturesome whites (chiefly from Ontario) until by mid-decade settlements such as Prince Albert and Battleford could claim to be rapidly growing communities. The 1880s, however, were to witness the beginning of a more rapid settlement of the North-West which, following the relocation of the main line of the Canadian Pacific Railway, was to be concentrated in the southern plains. Land and railway surveyors were at work in the area of present-day Regina in 1881 and 1882; by June of 1882 a townsite had been selected on Wascana or Pile of Bones Creek and designated as the future capital of the North-West Territories and headquarters of the North-West Mounted Police; and on August 23, 1882, the first passenger train arrived at the site which was renamed Regina in honour of the Queen.<sup>4</sup>

Davin had had the notion to assess his prospects in the North-West as early as 1878. The Commission on Industrial Schools for Indians and Half-Breeds had taken him as far west as Winnipeg in 1879, and his duties as secretary to the Royal Commission on the Pacific Railway brought him back there occasionally after 1880. He was therefore by no means a complete stranger to the West when in October of 1882 he was among a small group of guests whom W.B. Scarth, one of the townsite

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<sup>3</sup> George F.G. Stanley, The Birth of Western Canada, (London, 1936), p.177 and p.187.

<sup>4</sup> See Earl G. Drake, Regina: The Queen City, (Toronto, 1955), Chapters 1 and 2.



trustees, had invited to visit Regina.<sup>5</sup> When the visitors looked out of the window of their special car on the morning of their arrival in Regina, they saw the settlement to consist largely of tents and a few frame buildings located on South Railway Street. Some of the principal inhabitants of Regina joined the visitors for luncheon in the Criterion Hotel, a part-tent and part-timber structure on Broad Street facing the railway station, and the rather primitive surroundings were forgotten in the warmth of the hospitality. At luncheon it was suggested, almost in jest, that Davin should settle in Regina and start a newspaper, and the conversation turned to the choice of an appropriate name: the Regina Shagginappy, the Blizzard, the Scalper and the Buffalo were all suggested in turn. It had begun as a joke, but Davin was intrigued by the possibilities, and afterwards he "was observed, cane in hand, taking a solitary ramble over the adjoining prairie, absorbed in profoundest thought."<sup>6</sup> That evening, when the company met again at the Royal Hotel, a definite proposal was discussed, and on his return to Winnipeg Davin reported the episode to Macdonald:

Only fancy what the few people in Regina did when I was up there [he wrote]. Some of the prominent men came round me and asked me to come amongst them and start a paper. I told them I could not afford to start a paltry concern; that if I started a paper it might be small but it would have the latest news and would, I hoped, be something of a power. To do this, I added, would certainly entail a loss of \$5,000 before the paper turned the corner. They said: "We'll give you a bonus of \$5,000." I laughed and looked around at the few timber houses & tents. They asked me to meet them at "the Royal" in the evening & voted me \$5,000, subscribing \$2,700 there & then & asking me to accept their assurance

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5 "Progress of the Queen City of the West," Regina Directory for 1885, (Regina, n.d.).

6 J.W. Powers, The History of Regina, (Regina, 1887), p.19.



that the rest would be forthcoming in a few days.<sup>7</sup>

The idea and the location had both caught Davin's fancy, although he confessed that "The enthusiasm one feels for this new country is hard to analyze."<sup>8</sup> He pursued the matter with Macdonald over the next few months in an attempt to obtain further financial assistance from Conservative sources. "It is important to the Party," he wrote, "that each town and city along the way should be well held from the first."<sup>9</sup> A few weeks later he commented:

I am certain the Government does not realize what a wild young colt the whole North West is and how soon it will take to plunging unless well bitted and snaffled and curbed. Nor would its plunging be a joke by any means.<sup>10</sup>

In January, having encountered certain difficulties in arranging for the required financial backing, Davin complained to Macdonald: "Now I don't think I ought to be the only politician to plank down the coin in starting a paper to support the Government."<sup>11</sup>

Support was eventually forthcoming, however, in the form of town-lot bonuses amounting to another \$5,000 from such well-known

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7 Davin to Macdonald, Nov. 15, 1882, PAC, Macdonald Papers, Vol. 389, Photocopy in AS. In the event, very few of the pledges were ever honoured. See Order in Council No. 2778 [Canada], of December 29, 1900, approving Report, Evidence and Cash Statements submitted by the Townsite Commissioners, (n.p., n.d.), p.93.

8 Davin to Macdonald, Nov. 22, 1882, PAC, Macdonald Papers, Vol. 389, Photocopy in AS.

9 Ibid.

10 Ibid., Dec. 11, 1882, Photocopy in AS.

11 Ibid., Jan. 29, 1883, Vol. 390, Photocopy in AS. This episode has been dealt with extensively in Ward, "Davin and the Founding of the Leader." Ward shows "in broad outline the close connections between the party, the railway, the land [companies?], and the party leadership, that existed in Davin's day."



Conservatives as W.B. Scarth of the Canada North-West Land Company, George Stephen and perhaps also John Shields, both associated with the Canadian Pacific Railway, and the first issue of the Regina Leader appeared on March 1, 1883. With this background, Davin was nevertheless able to write in his introductory editorial, after announcing that the Leader would support the government of Sir John A. Macdonald:

But by supporter of a party the present writer has never understood a tool. He has always felt the supporter of a party to be a character which an honorable man could act consistently with mental independence and moral rectitude, and therefore not inconsistent with pointing out what might seem the mistakes of political friends. Indeed, if a man takes an interest in politics he has to choose between being a solitary observer, an honorable party man, or a janissary.

Having said that much, Davin went on to add with an eye to both fair play and maximum circulation:

We have written this much about politics because we do not believe in sailing under doubtful colors. But having done so we may add that so long as no counter voice is heard here we believe it would be cowardly to preserve a tone other than one which in no way could offend men of all political creeds.<sup>12</sup>

The settlement at Regina made remarkable progress during the first months of its existence, as the Manitoba Free Press testified: "Six weeks ago the town was established on open prairie. Today it contains 8 hotels, 18 stores, 2 blacksmith's shops, 1 saddler's shop, 2 livery stables, 2 tin shops, 2 laundries, 3 billiard halls, 2 bakeries, 1 drug store, 1 jeweller's shop, 2 doctors, 6 lawyers, 4 lumber yards, and a population between 8-900 souls."<sup>13</sup> The tents had largely been replaced by frame buildings by the following spring when it appeared that Regina was on the verge of a boom. More buildings were erected -- including the Leader building on Victoria Avenue between Hamilton and Rose

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<sup>12</sup> Regina Leader, Mar. 1, 1883, "Introductory."

<sup>13</sup> Quoted in Drake, op.cit., p.22.



Streets -- a public well was drilled, railway traffic increased, the hotels were full and land was taken up for twenty miles around the town.<sup>14</sup> Regina was gazetted capital of the North-West Territories in April 1883; in May the streets were graded; a race course was completed south of town; and the first public celebration was held on Victoria Day.

Even so, Regina was an unimpressive frontier community. The site on the treeless, windswept prairie, with an uncertain water supply, inadequate drainage and no particular natural attributes, had been chosen almost arbitrarily and with a fine disregard for the needs and convenience of those who would eventually settle there. The competing real estate interests of the government and the railway on the one hand and on the other a private syndicate which included Lieutenant Governor Edgar Dewdney, had been resolved in an awkward compromise: the commercial community was clustered around the station, while the Mounted Police Barracks, the Lieutenant Governor's residence and certain government offices were located across the open prairie some two miles to the west. There were clear signs of discouragement in the early months: the very location of the townsite had been under attack from the outset; it soon appeared that Regina was not to be a railway divisional point as had originally been anticipated, and that no branch lines were to be built from there; it was even rumoured that the capital might be moved away. Yet most of the settlers stuck it out with the pioneers' determination to look after themselves even though the authorities seemed to have forgotten them. These men and women were, in fact, the settlement's greatest asset. There were fly-by-nights and

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<sup>14</sup> Powers, op.cit., p.22.



speculators amongst them, to be sure, as well as a segment of drifters to be found in any frontier community. Some of the businessmen who had operated from tents pitched on the Gore in front of the railway station disappeared with the first approach of winter and their creditors. By and large, however, the inhabitants of Regina, even in those early months, were sober, stable, hard-working, God-fearing, ambitious and reasonably well-educated men and women. A few had come from Britain and the Maritime provinces, but most were business and professional people from Ontario and Manitoba who had invested more than just their capital and who looked forward not to quick profit, but to a comfortable home.

Davin identified himself with this community from the beginning. As publisher and editor of the Leader, he had a substantial stake in Regina and in the whole North-West as well, for only four other papers were published in the Territories in 1883: the Saskatchewan Herald had been established in Battleford in 1878; the Bulletin was published in Edmonton from 1880; and in 1882 the Prince Albert Times and the Macleod Gazette had appeared. All were ably edited, but Davin was soon to advertise the Leader as "The Foremost Paper in the Territories,"<sup>15</sup> while he himself quickly became a leading figure in the territorial capital. On July 16, 1883, he was elected to the Regina Citizens' Committee which was "to take charge of the business of the town until its incorporation."<sup>16</sup> In February of 1884 he and Mayor D.L. Scott were appointed delegates to Ottawa to lay before the government and the officials of the Canadian Pacific Railway certain grievances which were exercising Regina residents: the return of the divisional point to Regina; the means to

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15 See Regina Directory for 1885.

16 Powers, op.cit., p.21.



appeal from the decisions of magistrates "unlearned in the law"; the clarification of taxing powers of municipal bodies; the construction of a railway branch from Regina; and representation of the North-West Territories in Parliament. The delegation was not completely successful: they were told it was impossible to change the divisional point; and the matter of parliamentary representation was postponed.<sup>17</sup> In December of 1884 Davin was with another delegation which visited Toronto where Sir John A. Macdonald was honoured on the occasion of the fortieth anniversary of his entry into public life, and Davin presented the address of the citizens of Regina.<sup>18</sup> A year later, on September 24, 1885, he was appointed a Justice of the Peace,<sup>19</sup> and on January 11, 1886, he became an Advocate of the North-West Territories.<sup>20</sup>

Davin gained a certain notoriety for himself as a poet as well, for he not only participated in the penny readings and other local entertainments, but he used his poetic talents in defence of Regina in response to a rhymed attack published in the Winnipeg Times of January 3, 1884. The lines were composed hastily in a store on Broad Street and published in the Leader with an allusion to Greek and Hebrew folklore where "untruthful oracles and prophets were neutralized by the utterances of genuine prophets and more trustworthy oracles."

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17 Ibid., p.30.

18 Ibid., p.33.

19 Order-in-Council No. 355/85, dated Sept. 24. 1885, AS, Orders of the Lieutenant Governor of the North-West Territories in Executive Council.

20 The Roll of Advocates of the North-West Territories in the custody of the Secretary, Law Society of Saskatchewan, Court House, Regina.



A pleasant city on a boundless plain.  
 Around rich land where peace and plenty reign;  
 A legal camp, the province wisdom's home.  
 A rich cathedral, learning's splendid dome;  
 A teeming mart, wide streets, broad squares, bright flowers,  
 A marble figure whence a fountain showers --  
 What city's this? A gentle princess famed  
 For happy genius it Regina named.<sup>21</sup>

To denigrate any part of the North-West was a serious matter in those days when the Territories were crying out for settlers, and while Davin was quick to challenge any tendency to downgrade Regina, he did not lose his sense of proportion in the process. He himself joked about the glutinous properties of Regina's mud when he wrote that "everybody who walked down Broad St. [after a rain] took a homestead on one foot and a pre-emption on the other."<sup>22</sup> The story is also told about the rather naïve young lady from Toronto who, while visiting in Regina, asked Davin the purpose of the upright, rectangular boxes located behind each house. "Those, my dear lady," Davin replied solemnly, "are sentry boxes to guard against Indian attack."<sup>23</sup>

However, all was not sweetness and light. Davin, urbane, worldly and unpredictable, found it at times intolerable to have his conduct judged constantly by the standards and attitudes of a small prairie town which, according to one visitor, was "the most cussedly respectable place a fellow was ever in."<sup>24</sup> Davin could not understand

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21 Regina Leader, Jan. 10, 1884, "The Winnipeg Times Drops in to Poetry." See also Powers, op.cit., pp.24-27, and Nicholas Flood Davin, Eos: An Epic of the Dawn and Other Poems, (Regina, 1889), p.122.

22 Quoted in Drake, op.cit., p.24.

23 Source unknown.

24 Quoted in Drake, op.cit., p.45.



why his obvious weaknesses were not simply ignored by his fellow citizens in the light of his overriding abilities. Yet these were the people who would eventually pronounce on his fitness to represent them in the Parliament of Canada. In August of 1883, for example, he was returning to Regina from Winnipeg; he had drunk too much, and he shocked some of his fellow passengers by appearing half-dressed in the aisle of the train.<sup>25</sup> He was subsequently prosecuted -- fortunately only for the minor offence of having liquor in his possession without a permit -- and fined \$50 and costs.<sup>26</sup> But Davin could not let well enough alone; he would justify even his weaknesses. In his public version of the affair he admitted to having had a flask of whiskey in his possession, but he argued that the police customarily simply confiscated the contents without prosecuting the possessor, and he went on to attack Herchmer, the Mounted Police Superintendent, for applying the law in this case with an unusual severity.<sup>27</sup> He was somewhat more frank with Macdonald than he had been in his public account; "There was no indecent exposure," he claimed, "save what occurs in every second pullman car, namely, that when one is dressing or undressing the hook or button of a curtain will give way."<sup>28</sup> Macdonald saw the episode for what it was, and urged Dewdney to persuade Davin "to drop the whole thing and it will soon be forgotten." "Now I should be sorry to see poor Davin come to grief," he wrote, "but he will certainly do so if he keeps the fact of his conviction before the eyes of the public."<sup>29</sup>

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25 Dewdney to Macdonald, Aug. 24, 1883, PAC, Macdonald Papers, Vol. 395, Pt.2.

26 Regina Leader, Aug. 16, 1883, "Justice in Regina."

27 Ibid., and see also ibid., "Law and Justice."

28 Davin to Macdonald, Nov. 8, 1883, PAC, Macdonald Paper, Vol. 397, Pt.1.

29 Macdonald to Dewdney, Aug. 23, 1883, Glenbow-Alberta Institute, The Edgar Dewdney Papers, Vol. 3, pp.430-31.



Macdonald was a wise man; Davin a proud one.

Even Davin's virtues occasionally caused him trouble.

On May 17, 1883, the Leader carried an item entitled "Squatters' Claims" in which Davin was critical of those townsmen, lawyers and bankers particularly, who squatted on reserved land with a view to benefitting from whatever compensation was ultimately paid. He argued that while the bona fide squatter who had been on the land prior to its reservation was entitled to consideration from the government, the bogus squatter deserved nothing whatsoever. Mr. Arthur D. Braithwaite, the acting manager of the Bank of Montreal in Regina, was incensed by Davin's attitude and withdrew his bank's advertisement from the Leader. He went even farther and sought to induce other advertisers to do the same. Davin could not put up with this, and he complained directly to the president of the Bank of Montreal.<sup>30</sup> The complaint eventually got back to Braithwaite who, on the evening of October 23, 1883, accosted Davin in the street about the letter he had written to the president of the bank, and without warning struck Davin "a violent blow on the side of the head,"<sup>31</sup> for which Braithwaite was convicted of assault and fined \$50.<sup>32</sup> There were obvious hazards to be faced in editing a newspaper in the North-West Territories.

In one way or another, then, Davin made his presence felt in Regina and the North-West. The Leader was a valuable attribute to

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30 Queen vs Braithwaite, Davin to G.W. Smithers, Oct. 10, 1883, AS, North-West Territories, Records of the Regina Judicial Centre, Docket No.177, 1883.

31 Ibid., Sworn Statement of Nicholas Flood Davin, dated Oct. 24, 1883.

32 Ibid., Record of Stipendiary Magistrate Hugh Richardson, dated Oct. 25, 1883.



the community and its editor a stout advocate of the settlers' interests. Davin's erudition and eloquence, his wit and charm, particularly when exercised on behalf of Regina and the North-West, were universally respected if not admired; his flamboyance in dress and manner was accepted with, at worst, an amused tolerance; but his foibles were glaringly obvious in the small community: he could be moody, inconstant and irritating, and he found it difficult to accept the standards of a basically puritanical society. Some would undoubtedly have suggested that what Davin needed was a wife to settle him down and family responsibilities to restrain his more boisterous nature. Such a possibility seemed to present itself when Mrs. Kate Simpson-Hayes<sup>33</sup> appeared sometime in the mid-decade and opened the first millinery shop in Regina.<sup>34</sup> She had come West in 1879 and had been governess in the family of J. Lestock Reid, a land surveyor in Prince Albert. In the '80s she moved to Regina with her two children, Burke and Elaine, where she was for a time organist in St. Mary's Roman Catholic Church, and where in 1885 she assisted in the formation of the first Literary and Musical Society.<sup>35</sup> Thirty years of age in 1886, she was a tall, dramatic, forceful, enterprising and imaginative woman with a literary cast of mind, and the affinity of her character and interests with those of Regina's most eligible bachelor did not go unnoticed. Romance was in

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33 Kate Simpson-Hayes is referred to in contemporary sources either by her married name, Mrs. Simpson, or by her maiden name as Mrs. Hayes. Latterly she used the name Simpson-Hayes in private life almost exclusively. She wrote under the pen-name of Mary Markwell.

34 AS, Biography File, Mrs. Kate Simpson-Hayes. See also Powers, op.cit., p.82½.

35 Jessie R. Bothwell, "First Territorial Fair," Leader-Post (Regina), Aug. 2, 1962. See also Leader-Post (Regina), Jan. 23, 1945, "Pioneer City Teacher Dies."



the air. However, marriage was out of the question: Kate was not a widow, as might have been presumed, but a married woman separated from her husband!<sup>36</sup> Furthermore, her religious convictions, together with Davin's ambition for a career in public life, made even the thought of divorce and remarriage an impossibility.

Davin was in Regina for only a few months of 1884. He left for eastern Canada sometime in February, and did not return until mid-June. During this period the Leader was in the hands of Mr. Endo Saunders, a lawyer, whose unremunerated services were graciously acknowledged by the editor on his return.<sup>37</sup> Davin undoubtedly laboured on behalf of Regina and the North-West while he was in the East,<sup>38</sup> but otherwise he seems to have dropped from sight. He may have become disenchanted with his prospects in the West which was by this time in the grip of economic depression; he may have spent some time importuning Macdonald for further assistance of a political or personal nature. This can be but speculation, although within a few weeks of his return the Leader announced that he had been unexpectedly called away again to act as secretary to the Royal Commission on Chinese Immigration.<sup>39</sup> The immigration of Asiatics had been a contentious issue in British Columbia, particularly since the late 1870s when Chinese coolies were brought into the

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36 Henry James Morgan, Editor, The Canadian Men and Women of the Time, (Toronto, 1898), p.451. She had been born in Dalhousie, New Brunswick, in 1856, married in 1882 to C. Bowman Simpson of Bowmanville, Ontario, to whom she bore two children, and from whom she obtained a legal separation in 1889.

37 Regina Leader, June 19, 1884, "The Leader."

38 Ibid.

39 Ibid., July 17, 1884, "Mr. Davin."



country in large numbers for employment on the railway; petitions against the importation of Chinese labourers had gone forward and had been debated in the House of Commons; and during the session of 1884 a motion urging the prohibition of Chinese immigration had been withdrawn upon the Prime Minister's promise to institute a full inquiry into the matter at an early date. A Royal Commission on Chinese Immigration was therefore established by Order-in-Council, dated July 4, 1884, to be composed of the Honourable J.A. Chapleau, Secretary of State, and the Honourable J.H. Gray, a Judge of the Supreme Court of British Columbia.<sup>40</sup>

Macdonald had made himself very clear to Chapleau on certain matters respecting the Commission. In the first place, since Chapleau was a Minister of the Crown, the Commission was to conduct merely a fact-finding inquiry and was to make no recommendations, for "The Ministry might not agree with your recommendations and it would never do for any differences of opinion among members of the same Government upon such an important question to be exposed to Parliament and the public."<sup>41</sup> In the second place, Macdonald had made it clear that the choice of secretary was entirely in the hands of the government, although the chairman could appoint his own private secretary if he wished. Chapleau had evidently proposed a Dr. Church, but Macdonald pointed out the possibilities of "unfavourable comment in the opposition press," for Church had no "special qualifications for the position."<sup>42</sup> While disclaiming any personal commitment to Davin, Macdonald went on to say:

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40 Canada Sessional Papers, 1885, No. 54a, "Report of the Royal Commission on Chinese Immigration," p.v.

41 Macdonald to Chapleau, July 8, 1884, PAC, Macdonald Letterbooks, Vol. 22, pp.464-67, Photocopy in AS.

42 Ibid.



Davin has his faults, but he has also great merits. He is exceedingly industrious, well read, and can sift and classify evidence. Judge Clark [sic] who was our Chairman on the I'Col. [sic] Railway Commission was well satisfied with him and Sir Charles Tupper told us in Council that his index has a mark of genius. His fault is that he occasionally imbibes a little too much, but I think you will find him, notwithstanding this occasional failing, exceedingly useful, and he would take much work off your hands.

There was another reason which induced the Council to agree with me as to his selection [Macdonald continued]. He established the Regina "Leader" as a Conservative paper. With the depressed state of things there the paper does not pay, and I fear he will be obliged to close it. Now it is of some importance to the Govt to be able to keep that paper going and Davin's employment will give him some very needful pecuniary assistance. Ask Sir Hector to communicate with Davin if he has not already done so.<sup>43</sup>

Davin kept his readers informed of the progress of the Commission through a sort of traveller's diary "From Our Special Correspondent," the first instalment of which appeared in the Leader of July 24, 1884, under the heading, "On the Train Near Ames, Iowa." From Rock Springs, Omaha [sic] on July 19 he reported on conditions of settlement in the American West: "Everything is prosperous, yet they have had three bad harvests, and suffer constantly from summer frosts"; he commented on current fashions: "The ladies of Omaha wear dresses which hardly touch the ankle and seem to be hung on a kind of a hoop round the hips, the wearers walking with a saucy swing which is very remarkable but not pleasing; the men wear their hats on side, chew tobacco, smoke, swear at every third word"; and he added: "Much have I enjoyed this trip -- for many causes -- chiefly this: it is a prairie country; it is a cold country; it is a country where harvest season is short -- therefore in the comfort, wealth, elegance I see around me, I have a picture of what,

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<sup>43</sup> Ibid.



in a year or two, we shall have all over the North-West."<sup>44</sup> He described a marine sunrise as observed from the window of his San Francisco hotel at 5:00 o'clock one morning: "My window in the Palace Hotel looks due East, but as it is a bow window it also takes a squint North and South. I am on the fifth flat. Looking down on and over the roofs of the intervening houses ... the eye rests on the grove of masts which runs North and South. There is abroad this morning a kind of transparent haze, a diaphonous drapery which Nature in a coquettish mood has thrown around her and which more than half reveals and less than half conceals her beauty."<sup>45</sup>

There was work to do as well. Chapleau and Davin, although at this stage not properly sitting as a Royal Commission, spent about two weeks in San Francisco where they took evidence from missionaries, merchants, police officers, judges, consuls, coroners and port inspectors. They visited the Chinese quarter in the day time with the Chinese Consul "who showed [them] the silver side of the shield," and by night with the police "who drew the curtain aside from all that is dark and sorrowful in Chinese life."<sup>46</sup> On August 6 they arrived in Victoria aboard the Mexico where they were joined by Judge Gray, and the sittings of the Commission opened formally in the Legislative Chamber on August 12.<sup>47</sup>

A certain hostility towards the Commission was apparent in British Columbia. The people felt that the Canadian government ought to have been prepared to act on the advice of British Columbia Members of

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<sup>44</sup> Regina Leader, July 31, 1884, "Coal."

<sup>45</sup> Ibid., Aug. 28, 1884, "A Marine Sunrise."

<sup>46</sup> Ibid., Sept. 18, 1884, "Chinese Commission." A narrative of this visit is included as Appendix D to "Report of the Royal Commission on Chinese Immigration."

<sup>47</sup> Regina Leader, Sept. 18, 1884, "Chinese Commission"; and "Report of the Royal Commission on Chinese Immigration," p.vii.



Parliament,<sup>48</sup> and "every prominent man here is a man of strong sentiments on this question"<sup>49</sup> of Chinese immigration. Witnesses were examined in Victoria, Nanaimo, New Westminster and Yale, and in addition, the Commission canvassed the opinion of certain leading citizens by means of questionnaires.<sup>50</sup> This, plus a considerable amount of documentary evidence which was accumulated, necessitated the employment of an assistant secretary, William McDougall,<sup>51</sup> son of the Honourable William McDougall who in 1869 had been the Lieutenant Governor-designate of the North-West Territories. After some three weeks in the province, the commissioners began their return journey via Portland, Oregon, where further evidence was taken, and by September they and their secretary had settled in Ottawa to write the report.

The "Report of the Royal Commission on Chinese Immigration" is an extensive document containing the commissioners' reports, minutes of evidence and appendices. One suspects that Mr. Justice Gray found the constraints imposed upon the chairman by Macdonald to be intolerable, and he therefore proceeded independently "to bring out and superintend the printing of his Report at the same time as that of the other Commissioner was being printed."<sup>52</sup> Gray arrived at a workable compromise between his principles and Macdonald's constraints: he identified three classes of

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48 Regina Leader, Sept. 18, 1884, "Chinese Commission."

49 Ibid., Sept. 11, 1884, "The Chinese Commission."

50 Canada Sessional Papers, 1885, No. 54a, "The Honorable Commissioner Gray's Report respecting Chinese Immigration in British Columbia," Chapter 4.

51 Regina Leader, Sept. 18, 1884, "Chinese Commission."

52 "Report of the Royal Commission on Chinese Immigration," Preface.



opinion in British Columbia on the subject of Chinese immigration -- a prejudiced minority which only absolute exclusion of the Chinese would satisfy; an intelligent minority prepared to let the matter regulate itself; and a large majority in favour of moderate restrictions. He made no recommendations, but, concurring in the view of the majority, drew attention to Chapter 9 of his report in which he had "thrown out some suggestions to that end, should Parliament at the present time deem legislation necessary."<sup>53</sup>

While Gray's report dealt almost exclusively with the evidence gathered in British Columbia, Chapleau reported on the evidence taken in San Francisco which included an account of Chinese history and social customs, restrictive legislation in the United States and Chinese immigration in other parts of the world. Both Gray and Chapleau wrote with sympathy towards the Chinese whom they saw in most instances as the victims of European ignorance and prejudice, and Chapleau concluded that "if restrictive legislation were considered opportune it should aim at gradually-achieved results, and the history of the question, as well as the evidence, shows that by legislation regulating, not excluding Chinese laborers, every purpose can be effected which those who apprehend evils from Chinese immigration could, and actually do desire."<sup>54</sup>

The role of the secretary in all this is, of course, not clear, but it seems likely that Davin at least assisted in drafting parts of Chapleau's report. It would have been his duty to edit the minutes of evidence running to 177 pages taken from the thirty-one witnesses who

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53 "The Honorable Commissioner Gray's Report respecting Chinese Immigration in British Columbia," p.cii.

54 "Report of the Royal Commission on Chinese Immigration," pp.cxxxiii-cxxxiv.



were examined viva voce and the thirty-nine others who responded to the questionnaires. He would also have been responsible for the twenty appendices, totalling 236 pages, including the Abstract of Evidence taken before a Joint Committee of the Senate and the House of Representatives of the United States in 1876,<sup>55</sup> as well as the elaborate index, and it is probable that he wrote the narrative accounts of the visits to Chinatown in San Francisco, Portland and Victoria.<sup>56</sup> Anyway, it kept him busy in Ottawa until late February 1885, and on March 17, St. Patrick's Day, he was in Montreal where he spoke to the St. Patrick's Society in Nordheimer's Hall. His address was a vigorous and eloquent denunciation of those racial and religious feuds which embittered the relationship between Ireland and the Empire, which separated the Irish Catholic from the Protestant and which Irishmen tended to carry abroad with them.<sup>57</sup> These same elements of race and religion emerging from events occurring in the North-West Territories that very month were to rend the fabric of Canadian society, affect Davin's own career and bring him hurrying back to Regina.

The depression which almost forced Davin to close down the Leader in 1884 took the edge off the optimism of the white settlers in the North-West and caused extreme hardship and bitterness amongst the Indian and Métis population. The buffalo, upon which the plains tribes had relied for food, clothing and shelter, had largely disappeared by 1878, and the Indian soon found the pursuit of agriculture on the

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55 Ibid., Appendix A.

56 Ibid., Appendices D, E and P.

57 See Nicholas Flood Davin, Ireland and the Empire, (Ottawa, 1885).



reserves to be no substitute for the free life of the plains. The cold charity with which rations and blankets were dispensed made his new role as a ward of the government both irksome and degrading. The Métis too suffered from the relentless westward thrust of the railway and settlement. These fine plainsmen, who through the maternal line claimed to share the Indian title, had once roamed freely over the western prairie. Their traditional way of life had been focussed upon the annual buffalo hunt supplemented by subsistence farming on their river bank lots. By the 1880s, however, this primitive economy was giving way rapidly to the advance of agricultural settlement, and the Métis were being forced into an unfamiliar mould as homesteaders and carters. The Saskatchewan communities, both white and Métis, suffered severely from the depression, for they were dependent to a large extent upon an economy which had anticipated a rail line along the course of the North Saskatchewan River. When in 1882 the line was re-routed across the southern plains, the northern communities were left depressed and angry in their isolation.

Despairing of any effective action from a remote and apparently indifferent Canadian government, the Métis recalled their moment of glory some fifteen years earlier when Louis Riel had inspired them to resist these same forces which then threatened to overwhelm their Red River community. Their resistance had resulted in a negotiated settlement with the Government of Canada which, although not entirely satisfactory, had prolonged the life of the Métis Nation. Therefore, in July of 1884, hoping that he might be able to repeat his earlier triumph, the Saskatchewan Métis sent for Louis Riel. However, conditions had changed in the intervening years: there was, for one thing, no hiatus in constituted authority in the North-West; for another, the population was no longer concentrated and homogeneous; nor, since the



advent of the railway, was the North-West isolated for almost half the year from eastern Canada; moreover, the Métis were no longer the only effective armed force in the West, for the North-West Mounted Police now occupied strategic posts from Wood Mountain to Edmonton and could quickly be reinforced by rail from the east. Riel had changed too: the practical and clear-headed politician who had enjoyed at least the tacit support of the clergy in 1869 had become a man of dreams and visions whose quasi-religious notions soon alienated churchmen from his cause. While Riel had led a Métis resistance on the Red River in 1869 with the objective of negotiating the terms of social and political change, in 1885 he assumed the leadership of a Métis revolt and responsibility for a potential Indian uprising on the Saskatchewan designed to overthrow the authority of the Canadian government. Thus the Saskatchewan Rebellion which began with a Métis victory over a small Police detachment at Duck Lake on March 26, 1885, ended with the triumph of Middleton's forces at Batoche on May 12, and brought Louis "David" Riel to trial for treason at Regina on July 20 of that same year.

The rebellion drew the attention of Canadians to the North-West like nothing else could have done, and the trials of the rebel leaders, of Riel particularly, concentrated that attention on the little town of Regina. Business boomed again; hotels were filled; a variety of tents, including those in which the witnesses were to be accommodated, reappeared; policemen, military personnel, itinerant pedlars, newspapermen and the curious thronged the streets, and Davin's Leader became, for a while at least, a journal of almost national importance. Davin had published a weekly supplement during the rebellion, and he proposed to bring out a daily edition during the trials. "We have on our staff," he claimed with the journalist's customary modesty, "a shorthand writer



who was for four years in the gallery of the English House of Commons, representing one of the first London papers, who is moreover, a lawyer. This man will report for the Leader the trial in full."<sup>58</sup>

The first act of this final drama of the rebellion opened on July 6 when Riel, who had been held prisoner at the Mounted Police barracks while awaiting trial, was taken to the Court House in Regina to be charged. There had been rumours that the Métis of Wood Mountain were planning a rescue attempt, and the authorities were genuinely concerned despite the presence of 200 Mounted Policemen at the barracks, 350 men of the Montreal Garrison Artillery south of the tracks and the 91st Regiment, 100 strong, camped north of the tracks near the station. "Visions of half-breeds from Wood Mountain rose before the eye," Davin wrote, "and the happy thought occurred to -- ah -- to whom? -- that is involved in impenetrable night -- the happy thought occurred to disguise Riel as a policeman and drive him down in an open family carriage with a corporal and three policemen."<sup>59</sup> The ruse worked, at least the attempted rescue did not materialize, and Riel, dressed in parts of the Queen's uniform, arrived at the Court House to be charged with treason!

The trial of Louis Riel was one of those occasions in which Davin excelled, for humanity in its infinite and complex variety revealed itself before his eyes. He offered his readers not only a verbatim report of the proceedings, but a discourse on the development of the legal argument. He commented on the trial as the social occasion it was for many Reginans, reporting from time to time the names of the leading citizens and their ladies who were in attendance, and it was at his instigation that a part of the court room had been "fitted up

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<sup>58</sup> Regina Leader, July 9, 1885, "Trial of Riel." The Daily Leader appeared from July 17 to Aug. 18, 1885.

<sup>59</sup> Regina Leader, July 9, 1885, "Louis Riel Charged."



for the ladies."<sup>60</sup> If for most people the trial was simply an example of another criminal being brought to justice, it had a deeper significance for Davin who saw it as the end of primitive society in the North-West. He wrote:

On a spot where three years ago the only sign of life was the trail of the savage or the footprints of the buffalo, or the sweet short song of the prairie lark, or the less entrancing sonnet of the bull frog, what ... do we see? The highest expression of civilization -- an organized court of law, presided over by a judge learned in the law, with the most eminent lawyers in the Dominion pleading before him. Gowns and white ties as in Osgoode Hall; -- within the bar young lawyers taking notes -- Generals and famous Captains, and in that part made sacred for the fairer sex fashionable women known in courtly drawing rooms, youth and beauty.<sup>61</sup>

Davin's own view of Riel, the rebellion and the trial was clear and unequivocal; he had no doubt of Riel's guilt or the justness of the sentence.

Had Riel been a man of single eye, however much we might condemn him, we could feel that mistaken and wrong-headed he had risked his life for the cause of the half-breeds, of his people. But Riel is not a hero. He was ready to use the half-breeds and even the Indians to place the Dominion Government in a position of such difficulty that from it he thought they would be glad to extricate themselves by paying him a large sum. If any man ever deserved the scaffold he does, and this is the sentiment even of the half-breeds today.<sup>62</sup>

Similarly, he did not hesitate to reject the defence plea of insanity, for Riel, by his own conduct at the trial, had effectively disproved the defence his lawyers were attempting to establish: he had followed the evidence in minute detail; he had suggested questions to his counsel; he had shown that "he appreciated the nature and effect of every

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid., July 23, 1885, "First Day of the Riel Trial."

<sup>62</sup> Ibid., Aug. 6, 1885, "Riel's Sentence."



point"; and of Riel's final speeches to the jury and court, which some thought demonstrated his lunacy beyond the shadow of a doubt, Davin wrote:

But those speeches were not the outcome of a mind which had slipped from the control of reason. On the contrary, the speech to the jury was supplicatory and persuasive and well calculated from his point of view to move if not convince, and indeed one of the jurymen was affected to tears, while the speech to the Court was defiant, exposed all his plans, and hit out at all against whom he thought he had reason to feel resentment. He explained his schemes, acknowledged and gloried in his treason, and denounced Archbishop Taché as a mitred Ahab, a robber of the widow.<sup>63</sup>

And he concluded:

The savage in [Riel] strangled the civilized man -- and left him for the Indian and half-breed a power of evil. Sane at the time of the rebellion he certainly was in the only sense in which the law is concerned. Sane he is to-day; and in his speech to the court he demonstrated not only the justice but the necessity of his sentence by indicating that if free he would stir up rebellion again unless one-seventh of the North-West should be given to the half-breeds. This may seem an insane idea, but it is not the product of insanity but of a process of reasoning natural to one who starts with the fundamental proposition that the whole of the country was the patrimony of the Indians. It will not bear examination, but if every man who cherishes opinions which will not stand the test of reason be insane we should have to provide a mad house nearly as large as half the world.<sup>64</sup>

In this assessment Davin was expressing basically the sentiments of the vast majority of the white population of the Territories. They were sentiments with which not all Canadians would agree, but they rested on the evidence and the law and showed none of that personal vindictiveness towards Riel which was the stock in trade of other territorial journals. When, however, an agitation developed in eastern Canada for the commutation of Riel's sentence, Davin became considerably

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63 Ibid.

64 Ibid.



more vigorous in his defence of the process of justice and his condemnation of Riel's treason.

In our opinion ... there are considerations higher than sentiments or petitions [he wrote]. Let us in the shadow of rebellion which aimed at the dismemberment of the Dominion, and in the not less awful shadow of death look at the question from a point of view of principle. Is there a sound principle on which Riel's sentence could be commuted? Nay, on which ... Riel may be pardoned?<sup>65</sup>

He could find none. He again rejected insanity as grounds for commutation. He argued that to admit the half-breeds' grievances was not in itself reason to commute Riel's sentence, for the grievances were in the process of being redressed, and there was "no analogy with the serious disabilities which are called grievances in older countries." The "chivalrous character of the struggle" was likewise no reason for commutation. Although the half-breeds fought with valour, Riel had not shared their bravery, but had been "ready to dupe the half-breeds and then sell them and abandon them." Nor was Davin prepared to make allowances for the elements of French nationalism which were manifested in the rebellion:

That he had some French blood in his veins --[he asked] Is this an excuse? Has it come to this in Canada that any criminal has only to prove himself French and the tables of the law are to be broken at the bidding of thoughtlessness and justice to be flung prone on the street? But what have the French Canadians to do with Riel any more than the Irish or the Swedes? One should think it is the half-breeds and the whites in the North-West who are most concerned. Do we hear the half-breeds discontented with his sentence? No indeed; they understand Louis Riel too well.<sup>66</sup>

"... there are other people," he continued, "than a few Lower Canadian demagogues to be heard today. The fathers and mothers of the brave youths who fell fighting for the flag of Canada have something to say."

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<sup>65</sup> Ibid., Aug. 13, 1885, "Riel and Sentiment."

<sup>66</sup> Ibid.



The families of the half-breeds bereaved and impoverished by this man's machinations have something to say."<sup>67</sup> There was, moreover, nothing in Riel's character which, to Davin, would justify commutation. He had been "a leading figure in two rebellions and in each case he showed himself mercenary and mean." On both occasions he had tried to establish a Métis power with himself in control. When opposed by the priests he abandoned the Church, but in defeat, in prison, he reversed himself again.

The character of the man is palpable -- does it furnish an excuse? Can an excuse be found in his speeches, which show that, if at liberty, he would again seek to play the same game? Or is there an excuse to be found in the ghost of the murdered Scott rising from his bloody repose and pointing to his wounds and crying -- Remember Me?<sup>68</sup>

Out of hand, Davin condemned the agitation for the commutation of the death sentence on Louis Riel. "... if Riel is not hanged then capital punishment should be abolished";<sup>69</sup> and again: "If the French Canadian mob wants to destroy British Justice there is but one duty before every man of British blood and British speech."<sup>70</sup>

Two factors explain the startling contrast in the tone of Davin's editorials dealing with Riel and the trial and those in which he addressed himself to the agitation for the commutation of Riel's sentence. In the first place, Davin was writing as a westerner, as the editor of the leading journal in the North-West Territories. Too often westerners had seen decisions affecting their welfare made in eastern

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<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Daily Leader, Aug. 15, 1885, "Riel Agitation."

<sup>70</sup> Ibid.



Canada at the bidding of eastern interests. Was this matter of Riel, this most dramatic issue yet in which the West surely had a direct and overriding interest, to be but another example of the tendency of Canadian governments to ignore the West? Not if Davin could help it! He took himself and his paper seriously as spokesman for the North-West, and on this issue he and his constituency were at one. In the second place, the field of battle had shifted from the bluffs and coulees of the Saskatchewan to the political platforms of eastern Canada. When leading members of the Liberal party together with the Liberal press of Ontario joined forces with French Canadian nationalists in their attack on Macdonald's Conservative government, Davin's duty was clear. He was a Conservative, and the Leader was pledged to the Conservative cause. Davin did not hesitate to demonstrate his loyalty to Macdonald and the Conservative party.

Yet for Davin there were two Riels: the one, the rebel, the cause of death and anguish to white and Métis alike, he had condemned in the strongest language; for the other, the strange man who was victim of his own undisciplined imagination, he felt compassion. As a journalist it was his duty to report on both, but to show this second and inner Riel he must interview the man who was then locked in a cell in the Mounted Police barracks awaiting execution. Davin contemplated various schemes to obtain this interview, and he had persuaded a woman of his acquaintance to try "to put the 'Com hether' on [Col.] Irvine's susceptible fancy " in order to do so, but "strange to say, [Irvine's] sense of duty or his fears of the Government, were stronger than his gallantry and Saphronica utterly failed."<sup>71</sup> He had approached Captain

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71 Regina Leader, Nov. 19, 1885, "Interview with Riel."



Deane directly asking for permission to interview his prisoner, but Deane would not act without orders from Irvine, and Davin concluded it was useless to proceed further along those lines.

Accordingly on the evening of my refusal by Deane, I repaired to my lodgings, put on a soutane, armed my chin with a beard, put on a broad brimmed wide awake, and stood Mr. Bienveillée the ancien confesseur of the doomed Riel. I hung at my bosom an enormous silver crucifix and now, speaking French, presented myself at the Barracks. The guard made no difficulty, and I believe they took me for Père André. Entered his cell, I looked around and saw that the policeman had moved away from the grill. I bent down, told Riel I was a reporter in the guise of a prêtre, and had come to give his last message to the world. He held out his left hand and touching it with his right said: "Tick! Tick! Tick! I hear the telegraph, ah ça finira". "Quick," I said, "have you anything to say? I have brought pencil and paper -- Speak."<sup>72</sup>

Riel sent a variety of messages through Davin in this interview. He acknowledged that his counsel must have been right in pleading insanity, for only an insane man would have forsaken the Church as he had done. His message to Langevin, Caron and Chapleau, three French-speaking cabinet ministers, alluded to the government's refusal to commute the death sentence: "What," he asked of them, "shall it profit a man to gain the whole world and to lose his soul?" He advised the Liberal leaders, Blake and Mackenzie, who for fifteen years had struck on his name "as one strikes on a tocsin," to prepare themselves to meet their God, and he sent the same message to the Governor General and to others. To Macdonald he said: "Do not leave yourself be completely carried away with the glories of power. In the midst of your great and noble occupations take every day a few moments at least for devotion and prayer and prepare yourself for death." To Captain Young, who had been

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<sup>72</sup> Ibid. The interview took place sometime during the week preceding Riel's execution on Monday, Nov. 16, 1885. In Saskatchewan Herald (Battleford), Nov. 23, 1885, "Execution of Riel," it is reported that the interview was held two days before the execution.



his guard in Middleton's camp, he said: "Be not surprised that I send you a message through the newspaper which I understand with reconnaissance has not called out against me, prepare yourself all your days. Death also disquiets himself about you. Do not sleep on watch. Be ever well on your guard."

He was about to make a speech [the account continued] and I left him with some sympathy and no little sadness. I felt that I had been in the presence of a man of genius manqué, of a man who, had he been gifted with judgment might have accomplished much; of one who, had he been destitute of cruelty might even command esteem, and as I rode over the bridge and looked down on the frosty creek, and cast my eye towards the Government House where happy people were perhaps at dinner at that hour, I said to myself, "Why did he murder Scott? Why did he seek to wake the bloody and nameless horrors of an Indian massacre? Why did he seek the blood of McKay and his fellow peacemakers? Unhappy man there is nothing for it. You must die on Monday."

Davin then moved into another realm and concluded one of the most enterprising episodes in the history of Canadian journalism in the language of the philosopher:

Here as I passed near the trail going northwest the well known voice of a home returning farmer saying "Good night!" woke me from my reverie. In twenty minutes I was seated at dinner. I joined in the laugh and the joke, so passing are our most solemn impressions, so light the effect of actual tragedy. Our emotions are the penumbras of rapid transitions of circumstances and vanishing associations and like clouds we take the hue of the moment, and are shaped by the breeze that bloweth where it listeth.

Davin's compassion was not shared by those troopers and civilians who clustered in the barrack square on the morning of the execution, and whose views were, in this instance, probably more representative of North-West opinion than were Davin's. Some of the civilians were disappointed at not being allowed to witness the execution, and the conversation of the troopers who stood in small groups on the verandah of the prison was, as the Leader reporter put it, "not



edifying."<sup>73</sup> When the thud which signalled the end was heard, one of the policemen said: "'The G-d d-n s-n of a b-h is gone at last.' 'Yes,' said another as if saying 'amen' to this noble prayer -- 'Yes, the s-n of a b-h is gone for certain now.' And then followed some civilized laughter."<sup>74</sup> When Davin, who had witnessed the execution, was asked how Riel had died, he answered:

He was pale. A man would naturally be pale. He showed the highest reason on the eve of going into eternity to crush down his natural love of display and occupy himself solely with that world to which he henceforth belonged. He died with calm courage, like a man and a Christian, and seemed to me a triumph of rationality as compared to the brutes who could blurt out ribaldry over his death or the atheists who thought it a sign of insanity that in the position in which he had been placed he should have given himself to prayer.<sup>75</sup>

In his leading editorial on the following Thursday he wrote: "Riel met his fate on Monday in a manner not unworthy a man who had aspired to play a great part in the world. He was calm, resigned, grave, passionless, forgiving, and as the great Dramatist said of a greater man, the way he left the world became him better than anything he did in it."<sup>76</sup> The editorial reviewed the whole case, the plea of insanity, the fairness of the trial, the justness of the sentence, the commutation issue, and concluded:

Riel has paid the forfeit of his crime. Death has placed its hand upon him. The sacredness and silence of eternity are around him .... The ruffianly coward who would insult him now, is a savage whatever his outward seeming. The State, Law, Order have been vindicated. There is work for the living to do. Let the dead concern themselves with the dead.

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73 Regina Leader, Nov. 19, 1885, "Riel Executed."

74 Ibid.

75 Ibid.

76 Ibid., "Execution of Louis Riel."



The following week, the last word:

[Riel's] motives were undoubtedly mixed, but this is no time to probe every weak spot in his chequered life, every flaw in the composition of his character. We have put it on record that his doom was just. Let us, sinful creatures that we are, try to rise to the grandeur of judging as He judges who is without sin.<sup>77</sup>

Davin, of course, had seen it all before. His own character was of a complexity which demanded of others a large degree of tolerance and understanding, and it was not beyond his nature, on great occasions, to return such understanding measure for measure. Moreover, his youth in Ireland had given him insights into the anguish of a people who had become strangers in their own land, and into the tensions and bitterness arising from racial, linguistic and credal divisions within a community. More specifically, he had been personally involved in a situation which was in effect a microcosm of the Riel affair; he had lived with all the elements of the Riel trial in defending George Bennett against a charge of murder five years earlier. Bennett had felt the stings of persecution, the indifference of authority, and had in the event reacted with a violence over which he ultimately had no control. He had been "crazy," but not insane; he had sought justice, but had not intended murder. He had gone to trial, and the law had been administered with cold impartiality, while outside the courtroom the community had seethed with indignation, demanding Bennett's life for Brown's. Davin had done his best for Bennett who, he conceded, was fairly tried and justly convicted, but he had reacted with anger and dismay against a press which had forgotten its duties and a public which clamoured for revenge above justice. Likewise, he did his best for Riel.

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<sup>77</sup> Ibid., Nov. 26, 1885, "The Dead Riel."



Unwavering in his condemnation of Riel's treason, and firmly convinced that the final sanction of the law must be allowed to run its course, Davin none the less was prepared to swim against the tide of popular opinion and do what he could to preserve Riel's dignity and self-respect however misguided, mercenary, mean and malevolent he considered the man to have been.



## CHAPTER VI

### NOMINATION AND ELECTION

Provision for the representation of the North-West Territories in the Parliament of Canada was made so soon after the Saskatchewan Rebellion as to appear to have been its immediate consequence. In fact, the grant of parliamentary representation in 1886 was the culmination of a demand which had been pressed consistently since the agitation which accompanied the birth of Manitoba in 1869-70. That diminutive province, with its bicameral legislature, its two senators, and its four members in the House of Commons, possessed a political apparatus more than adequate for the needs of the 12,000 people who comprised its population in 1870. In contrast, when by 1885 three of the four provisional districts into which the Territories had been divided in 1882 contained a population of 28,192, exclusive of Indians,<sup>1</sup> it is not surprising that the lack of parliamentary representation was regarded by the settlers as an injustice.

Almost simultaneously with the settlers themselves there had appeared in the Territories a vigorous, outspoken and ably-edited newspaper press. The Saskatchewan Herald (1878), the Edmonton Bulletin (1880), the Macleod Gazette (1882), the Prince Albert Times (1882), and the Regina Leader (1883) were followed in 1884 by the Qu'Appelle Vidette and the Moosomin Courier.<sup>2</sup> It was the newspapers which first voiced the

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<sup>1</sup> Lewis H. Thomas, The Struggle for Responsible Government in the North-West Territories, 1870-97, (Toronto, 1956), p.104.

<sup>2</sup> Ibid., p.88 and pp.104-106. See also Earl G. Drake, "The Territorial Press in the Region of Present-Day Saskatchewan," unpublished M.A. Thesis, (Saskatoon, 1951).



demands of the settlers for representation in Parliament. As early as 1880, when the population of the Territories was something less than 5,400,<sup>3</sup> the Saskatchewan Herald reminded its readers that "The time is ... approaching when the Territories should be granted representation in the Canadian Parliament,"<sup>4</sup> and other territorial journals regularly repeated the same theme with progressively more vigour. In 1883 the North-West Council, which now included six elected members, added its voice to the growing demand for representation at Ottawa,<sup>5</sup> and the following year the Regina delegation of which Davin was a member raised the matter with the federal government. Davin, who had stayed over in Ottawa, put the settlers' case to Ministers, members and senators alike, and was eventually able to report that "everybody from the grave statesman to the belle of the last ball holds that we must have representation."<sup>6</sup> Nor were the demands for parliamentary representation confined to the white settlers of the North-West Territories. In 1884 the French and English half-breeds, united under the leadership of Louis Riel who had arrived in the District of Saskatchewan that summer, joined the whites of the Settlers' Union under W.H. Jackson and Andrew Spence to petition the federal government on December 16, 1884, for, amongst other things, parliamentary representation.<sup>7</sup> While neither the movement which sponsored the petition nor the leaders who drafted it enjoyed anything like the unanimous support of the

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3 This figure was to be reached in 1881. See Thomas, op.cit., p.104.

4 Saskatchewan Herald, (Battleford), Feb. 23, 1880, "The Administration of the North-West."

5 Journals of the Legislative Council of the North-West Territories, 1883, p.42.

6 Regina Leader, Mar. 20, 1884, "Affairs at Ottawa."

7 Stanley, The Birth of Western Canada, p.307.



North-West population, the petition by and large "embodied the grievances of all parties in the North-West Territories."<sup>8</sup>

The matter was taken up in Parliament as well. Senator J.B. Plumb of Niagara, as a result of Davin's lobbying,<sup>9</sup> rose in his place in the Senate on February 25, 1884, "to call attention to the advisability of granting parliamentary representation to the inhabitants of the Territorial Districts of the North-West ...,"<sup>10</sup> and was promised that the matter would be given "careful consideration during the recess."<sup>11</sup> In the House of Commons, meanwhile, Mr. M.C. Cameron, the Liberal member for Huron, introduced a bill on the subject, but his arguments elicited only a flippant rebuttal from the Prime Minister.<sup>12</sup> Cameron's bill went no farther than first reading in that session of 1884, but he tried again the following year, buttressing his arguments this time by quoting N.F. Davin and claiming "that nobody can give a better or more reliable or more correct opinion of the wants and necessities of the people of the North-West, and especially the District of Assiniboia, than Mr. Nicholas Flood Davin ...."<sup>13</sup>

A government proposal to grant federal representation to the Territories was at length introduced into the House of Commons by Sir John Macdonald on April 22, 1886. The bill provided for two members

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8 Ibid., p.306.

9 Thomas, op.cit., p.120.

10 Debates of the Senate of the Dominion of Canada, Feb. 25, 1884, p.143.

11 Ibid., p.158.

12 HCD, Mar. 3, 1884, Vol. 1, pp.602-603.

13 Ibid., Mar. 11, 1885, Vol. 1, p.493.



for the District of Assiniboia, and one each for the Districts of Alberta and Saskatchewan where the population was considerably smaller. The district of Athabasca, having no population to speak of, was not included in the bill.

The population would scarcely allow of so many members, [Macdonald said magnanimously on moving second reading], but, although the settlers are few in number, the country is large and has many different interests requiring different legislative measures, and, following the example set by giving representation to the Province of Manitoba, many years ago, when it had a very slight population, we propose to give those districts the representation I have mentioned.<sup>14</sup>

The proposal did not receive the hearty endorsement of the House as might have been anticipated for such a long-awaited measure as this. The opposition was critical of many of the provisions of the bill which was regarded not as a measure to grant federal representation to the Territories, but as "a bill to enable the Government of Canada to appoint four members to the Parliament of Canada to support the Government."<sup>15</sup> However, the bill was enacted into law and became the basis of the first federal franchise in the North-West Territories. Full parliamentary representation for the Territories was achieved the following year when the government acted with an unusual promptitude to provide for the appointment of two senators.<sup>16</sup>

Political consciousness was a well-developed characteristic of North-West society in the 1880s despite the lack of the federal

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14 Ibid., May 11, 1886, Vol. 2, p.1205.

15 Ibid., p.1207

16 For an account of the agitation for parliamentary representation of the North-West Territories see Charles Beverley Koester, "The Parliamentary Career of Nicholas Flood Davin, 1887 - 1900," unpublished M.A. Thesis, (Saskatoon, 1964), pp.1-25.



franchise, although the question of partisanship -- "partyism" as it was called -- was subject to a certain equivocation. It may have been a latent suspicion of both eastern parties, for "there were a few even at this early date who dreamed of a party devoted to North-West farmers' interests";<sup>17</sup> it may have been due to a general unanimity of opinion on the basic needs of the North-West; or it may have resulted from a realization that in view of this unanimity and of the preponderant influence of federal government policies on the Territories, "partyism," at least in local politics, was a luxury the North-West could not at the moment afford. Whatever the reason, the territorial press was unanimous in advocating the principle of non-partisanship; "Partyism," the Saskatchewan Herald claimed in 1884, "as it exists in the older Provinces, has no place in the North-West. The great need of our country is to be understood."<sup>18</sup> Even the Edmonton Bulletin, until 1886 the sole Liberal journal in the Territories, came out against the traditional concept of partisanship:

That there must be two parties in a good government of every country is as certain as that there must be light and darkness, sunshine and rain; the one party to give its principal attention to conserving what is good, the other to reforming what is bad; the one to act as a check upon the other for the good of both. But it does not follow that the organization of these parties into political machines is necessary, as is the custom at the present day, or that having been so organized they should be worked regardless of every consideration but the retention of office. It does not follow that ... the people should be divided into hostile political camps each ruled by a tyranny as exacting in matters political as that of the czar of Russia .... Although Canada is perhaps the most generally enlightened country on the face of the earth ... nine votes out of every ten are cast for party rather than for principle .... In the North-West, and especially in this far western province, party ties sit lighter on the people than in the east, perhaps because having had so little opportunity to

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<sup>17</sup> Thomas, op.cit., p.106.

<sup>18</sup> Saskatchewan Herald (Battleford), Oct. 4, 1884.



exercise the franchise they have had leisure to think of its uses and abuses. They have seen that voting was not an end but a means -- a means by which good government could be secured.<sup>19</sup>

There was, however, a clear divergence of theory and practice on this question of partisanship. In the North-West Council, which was theoretically non-partisan, the members had identified themselves along party lines, the majority as Conservatives, and there was, in effect, a party struggle going on within the Council.<sup>20</sup> Similarly, the newspaper press, while ardently advocating the principle of non-partisanship, was, with certain notable exceptions, pledged to support the Conservative party, although usually just short of giving "slavish support of any government."<sup>21</sup> While partisanship may have been perhaps a latent characteristic of the territorial population, it was nevertheless a characteristic which was periodically demonstrated, in the press particularly, with a marked vigour, and as competing newspapers were established, and as the time approached when the Territories were about to achieve parliamentary representation, the early attitude of non-partisanship was somewhat dimmed, although by no means forgotten. The partnership of press and party in the Territories, as indeed in the whole Dominion, was a fact of Nineteenth Century political life which tended ultimately to overwhelm whatever hope there may have been that the North-West could express its political ambitions except through the existing party organizations and the newspapers allied with them.

By 1886 formal party organization appeared desirable, at least to the Conservatives of the Regina district, for in January of that

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19 Edmonton Bulletin, Feb. 12, 1887, "Conservative Candidate."

20 Thomas, op.cit., p.118.

21 Quoted in Drake, "The Territorial Press in the Region of Present-Day Saskatchewan," p.58.



year it was recorded that

At the office of Mr. James H. Benson this afternoon, Messrs. J.H. Benson, J. Bole, N.F. Davin, D.F. Jelly, E. Knight, A.L. Lunan, Andrew Martin, J. Morrison, E.B. Reid, D.L. Scott, J.W. Smith, W.J. Stevenson and several others met for the discussion of Conservative political matters ....<sup>22</sup>

After electing a chairman and secretary, the meeting went on to record the opinion "that it is desirable the Conservatives of the Regina District organize themselves into an Association," and to that end the secretary was instructed "to send circulars to the various Conservatives of this District requesting them to attend a meeting to organize themselves into a Conservative Association."<sup>23</sup> The organization meeting was held in the Town Hall at Regina on January 30, 1886. Davin having declined a nomination for president, J.H. Bole was elected to that office, and the meeting went on to adopt a constitution. The Regina District Liberal-Conservative Association was in being.<sup>24</sup>

Shortly after the passage of The North-West Territories' Representation Act the Regina Conservatives met to discuss the question of candidates for the coming election. Their minute book records two motions which suggest the principles upon which a candidate should be chosen:

Moved by Mr. W.G. Hamilton Seconded by Mr. Eric Knight and carried that looking at the number of Members which the whole Territories will send to the Dominion Parliament it behoves the people of the Territories to seek out the most effective men and this Association will do all in its power to secure the return of a man for the Western Riding of Assiniboia who can in the House of Commons sustain in detail its interests and with its interests those of the North West.

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<sup>22</sup> AS, Regina District Liberal-Conservative Association Minute Book, 1886-1896, (hereinafter cited as Minute Book), Jan. 16, 1886, Microfilm copy.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., Jan. 30, 1886.



Moved by Mr. D.F. Jelly Seconded by Mr. T.M. Grover and carried that when the time comes to select a candidate for the Dominion Parliament this Association pledges itself to support no man who is not identified by residence and interest with the Riding.<sup>25</sup>

Party alignment may have been basic to this expression of opinion, but the insistence that the prospective candidate must be identified with the constituency by residence and must be able to "sustain in detail" the interests of the North-West reflects once again the interesting dichotomy between party and territorial loyalty apparent in both the North-West Council and press throughout the 1880s.

There is similar evidence of organizational activities amongst the Liberals of the North-West of which in Assiniboia West the establishment of the Regina Journal is an example. The Journal was founded on October 8, 1886, by C.J. Atkinson, former proprietor of the Portage la Prairie Liberal and the Virden Advance<sup>26</sup> with the avowed intention of giving "voice to the Liberal sentiment in this part of the North-West,"<sup>27</sup> and the Journal "never forgot that its primary purpose was, not to dispense telegraphic reports and report local events, but to propagate the Grit gospel in a predominantly heathen land."<sup>28</sup> The Liberal party too had apparently recognized the usefulness of a party organ, for it is not

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25 Ibid., June 9, 1886. The insistence that the candidate be a local resident is in interesting contrast to the view expressed by Davin in Ontario in 1878. At that time he advised that constituencies should select local men only if they had the required abilities. See Mail (Toronto), Mar. 21, 1878, "The Coming Campaign," and ibid., Mar. 25, 1878, "The Coming Campaign."

26 Drake, "The Territorial Press in the Region of Present-Day Saskatchewan," p.25.

27 Regina Journal, Oct. 8, 1886.

28 Drake, "The Territorial Press in the Region of Present-Day Saskatchewan," p.25.



without significance that the Journal commenced publication almost simultaneously with the opening of the first federal election campaign in the North-West Territories. In December of 1886 the Journal reported that Liberal organizations in Assiniboia East had already become "a strong political force in the riding" and the example was being followed, if somewhat more slowly, in the other constituencies.<sup>29</sup>

Thus, in spite of an early inclination to reject "partyism" as a feature of North-West politics and a continuing suspicion that a rigid adherence to party was perhaps not in the best interests of the Territories, "partyism" triumphed in federal as distinguished from territorial politics. By December of 1886 the Edmonton Bulletin had despaired of a non-partisan contest. The editor deplored the efforts

being put forth in all the constituencies to secure straight party-men -- men who will allow their constituents to be sacrificed for the sake of the government to support which they are elected.

He maintained that

The position of the North-West in Confederation is peculiar and insofar as it is peculiar it requires special consideration, which only its own representatives free from party ties can or will give.<sup>30</sup>

The influence of the press, the patronage of the federal government, the propensity of Council members for political manoeuvring, as well as old habits of thought, traditional party loyalties and the immanent power of the party machine all tended to prepare the ground "for a contest along traditional party lines when the first election of members for the House of Commons took place in 1887."<sup>31</sup> Yet it could be added that the

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29 Regina Journal, Dec. 10, 1886, "The North-West Liberal Movement."

30 Edmonton Bulletin, Dec. 25, 1886, "Elections."

31 Thomas, op.cit., p.106.



ground was also well prepared for the later emergence of political movements pledged to eschew the traditional concepts of party politics.

The circumstances surrounding the nomination of candidates in Assiniboia West were tinged with this same duality of opinion with respect to a partisan contest. When the editor of the Leader visited certain towns along the line during a holiday trip to Banff in the fall of 1886, the Medicine Hat Times interpreted these visits as political balloons sent up to test Davin's popularity as a candidate, and the Leader replied that Davin had not yet stated his intention, but was perhaps "willing to leave himself in the hands of the people."<sup>32</sup> Apparently some people responded, for by the end of October a requisition was being circulated requesting Davin to stand as a candidate in Assiniboia West, and to this the Leader replied that those interested in fielding candidates should communicate with other parts of the constituency;

For whoever goes to Parliament for Western Assiniboia will not represent Regina district only, but the whole constituency, and one part as fully and faithfully as another, or else he would be no fit man.<sup>33</sup>

The Leader's arch rival reacted somewhat differently to the Davin requisition: according to the Regina Journal, a requisition was the only method by which Davin could be assured the nomination, for "His popularity is so far below par, his name would have had no chance whatever before a Conservative convention."<sup>34</sup> The Journal went on to support the proposal for a meeting of an influential combination of Liberals and Conservatives which was being mooted to nominate

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<sup>32</sup> Regina Leader, Oct. 5, 1886, "The Leader's Position."

<sup>33</sup> Ibid., Oct. 26, 1886, "Candidates for the North-West."

<sup>34</sup> Regina Journal, Oct. 29, 1886, "Dominion Elections."



a man who will act independently of party and solely in the interest of his constituents, and not a hireling on pension known never to fail to look after self at any cost to the Government, party or country, financially, socially and otherwise.<sup>35</sup>

There was no love lost between the Journal and Davin, whose candidature the Grit paper described as "an insult ... to the sterling manhood of West Assiniboia."<sup>36</sup>

Notwithstanding the eruption, Davin was in fact not nominated until November 8, 1886, and even then it was a conditional nomination by a meeting of the Regina District Conservatives alone, their minutes reporting a motion moved by Daniel Mowat, seconded by W.G.

Cullum, and carried:

That this meeting of the Liberal Conservative Association of the Regina District nominates Mr. Nicholas Flood Davin as a candidate for the Dominion Parliament subject to the approval of a Conservative convention composed of Delegates from all parts of the Riding in case one should be called.<sup>37</sup>

The meeting went on to order that the motion be circulated to other Conservative associations in the riding, and Davin himself moved that it also be sent to leading Conservatives in centres where there was no association.<sup>38</sup> The Regina Conservatives were apparently eager to have Davin in the field, but they did not want to alienate other Conservatives in the riding by appearing to act peremptorily in the matter, although they made no move themselves to organize a constituency convention. Davin himself was conscious of the importance of casting a wide net, and he told the meeting that he would also seek the support of his

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35 Ibid.,

36 Ibid., Nov. 5, 1886, "Prospective Elections and Candidates."

37 Minute Book, Nov. 8, 1886.

38 Ibid.



Liberal friends: "They knew what he was in the past -- a Conservative with liberal views ...."<sup>39</sup>

This qualified nomination brought a reaction from those in Regina who were dissatisfied with the prospects of having Davin as the Conservative candidate for Assiniboia West, and the Journal reported that this group, "composed principally of Conservatives, though a goodly number of Liberals were present,"<sup>40</sup> met on November 9 to discuss the situation. It was decided to hold a meeting of Conservatives and those opposed to Davin's candidature in the Town Hall on November 20, a decision which caused a flurry of excitement in the Davin camp and resulted in a circular being sent to all members of the Regina Conservative association urging them to attend the meeting which was classified as "a Grit move using one or two personal enemies of Mr. Davin to try and prevent that gentleman coming out and to injure the Conservative cause."<sup>41</sup> The tactics of the Conservative association in this situation were extremely effective, for the meeting went overwhelmingly in Davin's favour. Of the 350 persons present, only twelve opposed a motion endorsing Davin's candidature,<sup>42</sup> a result obtained only because the meeting was, according to the Journal, packed with Davinites.<sup>43</sup> There was now no alternative for the Liberals but to bring out a candidate of their own.<sup>44</sup>

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39 Regina Leader, Nov. 9, 1886, "Candidate for Western Assiniboia."

40 Regina Journal, Nov. 12, 1886, "How Election Matters Are Progressing."

41 Minute Book, Nov. 11, 1886.

42 Progress (Qu'Appelle), Nov. 25, 1886.

43 Regina Journal, Nov. 26, 1886, "Saturday's Meeting." Note: The issue of the Leader in which this meeting would probably have been reported is not included on the microfilm in AS.

44 Ibid., "The Position of the Liberals in West Assiniboia."



Local as well as personal and political rivalries played their part in the nomination of a Conservative candidate. The Moose Jaw Conservatives apparently took exception to the action of the Regina group, and went ahead to organize a constituency convention for November 27, 1886. The invitation to attend resulted in some bickering between the Regina and Moose Jaw associations as to the number of delegates each centre should be allowed,<sup>45</sup> but the difficulties were overcome and when the convention gathered at the school house in Moose Jaw, Regina was represented by fifteen delegates, Moose Jaw by ten, Medicine Hat by seven, Maple Creek by five and Swift Current by three.<sup>46</sup> When the balloting took place on the Saturday afternoon, Davin, who had been nominated by D.L. Scott of Regina and J.J. English of Maple Creek, won the nomination on the second ballot with twenty-two votes as against seventeen for Thomas Tweed and one for E.N. Hopkins, the latter two gentlemen withdrawing to make Davin the unanimous choice of the Western Assiniboia Liberal-Conservative Nominating Convention.<sup>47</sup>

The Regina Journal saw in these results the almost unanimous opposition of western delegates to Davin, who was the choice of what the Journal claimed to be an unrepresentative delegation of Regina Conservatives,<sup>48</sup> and the Qu'Appelle Vidette suggested that Tweed was really the more popular man because he picked up ten votes outside Medicine Hat, while Davin garnered only seven beyond Regina.<sup>49</sup> Again, the

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<sup>45</sup> Minute Book, Nov. 25, 1886.

<sup>46</sup> Regina Leader, Nov. 30, 1886, "Western Assiniboia."

<sup>47</sup> Ibid.

<sup>48</sup> Regina Journal, Dec. 3, 1886, "Conservative Convention."

<sup>49</sup> Vidette (Qu'Appelle), Dec. 16, 1886, "Blarney."



Journal threw an interesting sidelight on this question of Davin's support when it reported a few weeks later that the Moose Jaw Conservative association had suspended two of its members who voted for Davin at this convention.<sup>50</sup> The Conservative interpretation of the significance of the Moose Jaw convention differed somewhat from the view expressed by the Regina Journal; the Prince Albert Times noted:

Mr. Davin's nomination for Western Assiniboia by such a representative body as assembled at Moosejaw, carried with it the assurance that he will be elected, if not by acclamation, at least by a large majority, notwithstanding the promised political opposition of Mr. Ross, who forgets that he was elected to the North-West Council by Conservative votes and may want them again.<sup>51</sup>

Davin was thus by no means the unquestioned choice of even the Conservatives of Assiniboia West, although in spite of the Journal's earlier predictions to the contrary he had been able to carry two conventions and a vote of confidence. The bi-partisan protest meeting following the Regina nomination may actually have been "a Grit move" as the Tories claimed, but that it could have been held at all gives credence to the view that "many of [Davin's] strongest opponents [were] of his own political household."<sup>52</sup> Moreover, the unanimity of the Moose Jaw nomination was no more than a common formality which did not hide the fact that differences of opinion existed and might well be expected to continue.

As for "partyism," it is difficult to subscribe unreservedly to the view of the Medicine Hat Times that

Had any man but Davin been brought out by the Conservative party to represent Western Assiniboia, the Liberals would certainly have refrained from bringing

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50 Regina Journal, Dec. 17, 1886.

51 Times (Prince Albert), Dec. 10, 1886, "Editorial Notes."

52 Progress (Qu'Appelle), Oct. 28, 1886, "West Assiniboia."



out a candidate.<sup>53</sup>

It could not have been Davin's candidature alone that forced a party struggle in Assiniboia West, for the day before the Moose Jaw convention the Journal had taken the position that while the Liberals would have preferred to forget eastern party differences and field a candidate acceptable to all, the Conservative nominating convention had, in Liberal terms, forced the issue into the partisan arena.<sup>54</sup> Rather, it is conceivable that the Journal's campaign against Davin was based in large measure on personal dislike, and was inspired by the hope that if Davin could be prevented from coming out, a Liberal candidate would have a better chance in Assiniboia West, for Frank Oliver's Edmonton Bulletin, the consistent Grit voice in the North-West, made this rather interesting assessment of Davin's capabilities:

In Western Assiniboia Mr. Davin, of the Leader, seems likely to be unopposed as a straight government candidate; and since Mr. Ross has retired -- if he has done so -- Mr. Davin is undoubtedly the best man available. He is universally acknowledged to have great abilities, although a trifle erratic in their use.<sup>55</sup>

In January, with Davin in the field and no candidate yet named against him, the Conservatives made a last bid for a non-partisan contest, although one suspects that by this date both parties used the term to mean that the man of their choice should be left in the field unopposed:

A wanton contest [the Leader declared] would be worse than foolish -- much better Mr. Davin should

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53 Quoted in Regina Journal, Dec. 31, 1886, "From Our North-West Exchanges."

54 Ibid., Nov. 26, 1886, "The Position of the Liberals in West Assiniboia." Actually, both parties fielded candidates in all four territorial constituencies, and in Alberta there was also an Independent Conservative candidate.

55 Edmonton Bulletin, Jan. 22, 1887, "The Contest."



feel the whole constituency was behind him, Grit and Tory, and that he represented them all. Personally, we believe, he would rather like a fight.<sup>56</sup>

A Liberal candidate did not appear in opposition to Davin until late January. Shortly after the Moose Jaw convention the Journal reported that a requisition was circulating in Medicine Hat to bring out James H. Ross as "the man for West Assiniboia."<sup>57</sup> Ross, a rancher from Moose Jaw and a member of the North-West Council since 1883, was well known in the constituency, and in the opinion of the Qu'Appelle Progress would "certainly be a formidable opponent to Mr. Nicholas Flood Davin."<sup>58</sup> On January 20 the Journal reported that Ross had declined to run because of illness in his family, a decision, however, that had been reversed by the next issue which announced that Ross's parents were now convalescing, and consequently, "at the earnest and repeated requests of electors -- of all shades of politics -- from various parts of the riding, he has entered the field."<sup>59</sup> The preliminary skirmishing was over; battle had been joined in Assiniboia West.

As might have been expected, local interests figured prominently in the campaign, but on these questions affecting the peculiar interests of the North-West there were no real differences of opinion amongst the settlers, and consequently no marked differences in the platforms of the candidates. Early in January the Leader had listed its "Policy for the North-West for 1887":

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56 Regina Leader, Jan. 25, 1887, "Western Assiniboia."

57 Regina Journal, Dec. 10, 1886, "'The Man for Galloway.'"

58 Progress (Qu'Appelle), Dec. 16, 1886.

59 Regina Journal, Jan. 27, 1887, "West Assiniboia."



1. Second homesteads for all who came in here under the impression they would be entitled to them.
2. Entering on cancelled homesteads at the same rate as on the ordinary homestead.
3. The full homestead in the Mile Belt.
4. Abolition of the reservation of odd sections.
5. Scrip for all who, by their conduct during the rebellion, are morally entitled to it.
6. Abolition of duty on lumber and agricultural implements, or else an equivalent to the revenue of the North-West ....
7. The pre-emption as a second homestead, or for \$1 an acre ....
8. The protection of the farmers against foreign ranching companies and monopolists of all sorts.
9. The establishment by the Government, of experimental farms, both agricultural and mixed, and the taking of energetic measures to improve the breed of cattle.
10. An elective Chamber, and full responsible Government, for the Territories.<sup>60</sup>

These ten points Davin elaborated in his platform speeches as the campaign progressed. In addition, he made it clear to the electors of Assiniboia West that he stood for a programme of irrigation, justice for the half-breeds, taxation of all property, an increased allowance for the North-West government, the appointment of local men to territorial offices, a simplified administration of the Lands Act, reform in the terms of service and opportunities for promotion in the Mounted Police, a railway to Hudson Bay, a cash subsidy for the encouragement of local railways and a programme of tree planting.<sup>61</sup> At the same time, Ross requested the support of the electors on a platform which was in all essentials the same as Davin's.<sup>62</sup> Indeed, when the Regina Leader

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60 Regina Leader, Jan. 4, 1887, "The Leader Policy for the North-West for 1887."

61 See Regina Leader, Mar. 1, 1887, "Medicine Hat," and "Moose Jaw"; see also ibid., Mar. 15, 1887, "Mr. Davin's Address."

62 See Regina Journal, Feb. 17, 1887, "The Ross-Davin Contest"; see also Regina Leader, Feb. 15, 1887, "Medicine Hat," and ibid., Feb. 22, 1887, "The Candidates Meet."



appealed to the voters to return Davin as their member arguing that he was in favour of "every expedient whereby human skill can minimize the difficulties of the North-West pioneer settlers, and develop the country,"<sup>63</sup> it was an argument which was equally applicable to Mr. Ross.

It was not until the debate touched on those issues affecting the whole Dominion that the protagonists separated themselves, but at this level Dominion issues were barely distinguishable from the issues of party; it was a question of Grit versus Tory; Macdonald versus Blake. The Conservative press rang the changes on the theme that under Macdonald's government the settlers had never had it so good; "It was under Conservative rule," the Saskatchewan Herald claimed, "that the country emerged from a state of painful solitude and barren unproductiveness ...."<sup>64</sup> The Qu'Appelle Vidette reminded its readers that the land policy of the late Liberal government "was of the most illiberal character."<sup>65</sup> From the platform, while Ross declared that it was time for a change,<sup>66</sup> Davin reminded his listeners of the benefits of the National Policy in general and the Canadian Pacific Railway in particular, and suggested that "he did not believe in a Reform party that had nothing to reform, and this was exactly the position the present Reform party were in ...."<sup>67</sup> Thus, when Ross suggested that Davin was

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63 Regina Leader, Mar. 15, 1887, "Mr. Davin's Address."

64 Saskatchewan Herald (Battleford), Jan. 15, 1887, "The Elections."

65 Vidette (Qu'Appelle), Feb. 17, 1887, "A Contrast."

66 Regina Leader, Feb. 27, 1887, "The Candidates Meet."

67 Ibid.



"too strong a Conservative -- a man who thought all good emanated from the Conservative party and all evil from the Liberal party ....,"<sup>68</sup>

Davin countered through the columns of the Leader that it was now time for all Conservatives in the Territories to rally round the Old Chief-tain, for "it is the policy and principles of your party that are at stake in this issue."<sup>69</sup>

Aside from the basic issues of party, the electors were faced with a decision resting on the personal characteristics and abilities of the two candidates. On the platform Davin and Ross treated each other correctly and with respect,<sup>70</sup> but the campaign was also waged in the editorial columns of the newspaper press, the tone of which ranged from judicious and responsible criticism to bitter and personal attack. The Moosomin Courier, for example, acknowledged Davin's platform ability, but was "not quite so assured of his thorough solidness as a politician or of his characteristics as a representative man of the settlers of the Northwest."<sup>71</sup> Again, when the Leader asked "What has Jim Ross done for Assiniboia?" the Edmonton Bulletin suggested that

In honesty of purpose, in earnest, disinterested and fairly successful efforts in the interests of the people Mr. Davin will not bear comparison with Mr. Ross.<sup>72</sup>

Similarly, the Leader charged on one occasion that Ross, as a member of

68 Ibid.

69 Ibid., "Editorial Notes."

70 See for example Regina Leader, Feb. 22, 1887, "The Candidates Meet," and Regina Journal, Feb. 17, 1887, "The Ross-Davin Contest."

71 Courier (Moosomin), Dec. 2, 1886, "The Political Atmosphere."

72 Edmonton Bulletin, Dec. 25, 1886.



the North-West Council, had "betrayed" Assiniboia with respect to re-distribution,<sup>73</sup> and on another that he was too young for the responsibilities of parliamentary office.<sup>74</sup>

It was Davin, however, who bore the brunt of the personal attack emanating largely from the vitriolic pen of C.J. Atkinson, the editor of the Liberal Regina Journal. Davin had no right to represent a pioneer community, according to the Journal, for rather than sharing the rigours of pioneer life, he had preferred a well-paid sinecure as secretary to a government commission.<sup>75</sup> Not only that, but he had also secured from the government a timber limit on the North Saskatchewan, as well as large and lucrative government printing contracts.<sup>76</sup> He was further charged with manipulating the distribution of seed grain to his own political advantage,<sup>77</sup> and he was, in addition, as one "headline" put it, "a Deserter of North-West Interests for Party Purposes."<sup>78</sup> Davin, on the other hand, took this somewhat virulent attack in his stride; the charges against him were carefully refuted from the platform and the editorial columns of the Leader,<sup>79</sup> and his campaign was pursued in a manner which reflected the extent of his culture, his urbanity and his political experience. In addressing some of his German-speaking constituents, for example, he did not neglect to display his familiarity with the classics

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73 Regina Leader, Feb. 8, 1887, "Mr. Ross's Candidature."

74 Ibid., Feb. 15, 1887, "Editorial Notes."

75 Regina Journal, Jan. 27, 1887, "Brother Pioneers."

76 Ibid., Feb. 3, 1887, "More 'Experiences.'"

77 Ibid., "Seed Grain."

78 Ibid., Feb. 24, 1887.

79 See for example Regina Leader, Feb. 8, 1887, "Saturday's Meeting," and ibid., Mar. 1, 1887, "Seed Grain."



of their literature, and when he concluded a speech with a quotation from Goethe, "Ein froher Wille lebt in meinem Blut," he was greeted by "loud cries of hoch! hoch! and clapping of hands."<sup>80</sup> At the same time he did not hesitate to dispense the patronage which was available to him through his connection with the party in power: he wrote to the Minister of Justice requesting consideration of the claim of D.L. Scott of Regina for a judgeship and the appointment of A.L. Lunan as jailer and J.H. Benson as sheriff; "Both these men deserve well of the party," he wrote. "No fifty men have done as much."<sup>81</sup> As election day approached and as Davin became concerned about the Métis vote, he requested the Prime Minister to have the Lieutenant Governor telegraph certain Métis leaders "urging them to support me. I can carry the Constituency without their vote," he added. "Still it is desirable to carry that vote too."<sup>82</sup>

Finally, however, when the polls opened on election day, March 15, 1887, the issues, the parties and the personalities were in the hands of the electors whom the Leader exhorted in terms which summarize a campaign charged as much with personal bitterness as with party controversy:

Electors of Western Assiniboia today do your duty; vote for good Government; vote for a generous policy towards the North-West; vote down blackguard tactics and unprincipled wire-pulling; vote down the whiskey-inspired ribald hucksters of calumny; vote for a policy which will do justice to the North-West and cause money to be expended on useful works in Regina, Moose Jaw, Maple Creek, Medicine Hat and other places along the line; vote down a policy of green-grocer statesmanship and step-mother starvation for this great North-West; rise superior to

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<sup>80</sup> Regina Leader, Feb. 1, 1887, "Meeting in the German Settlement, New Elsass."

<sup>81</sup> Davin to Thompson, Mar. 2, 1887, PAC, Thompson Papers, No. 5423.

<sup>82</sup> Davin to Macdonald, Mar. 2, 1887, PAC, Macdonald Papers, Photocopy in AS.



party and vote as North-West men in the interests of Regina and her sister towns; vote, electors, for your own interest and disassociate yourselves from the malignant squirts of a baffled and disorganized faction; vote with the overwhelming majority of the West Riding of Assiniboia for a man who has been for five years the friend of all, Grit and Tory, a man who has fought your battles, and has shown that he is deeply interested in your welfare -- in a word VOTE FOR DAVIN.<sup>83</sup>

This the majority of electors did; Davin polled a total of 726 votes throughout the constituency, while Ross received 423;<sup>84</sup> Davin won all but four of the polls in the riding, his most significant losses being Moose Jaw, Ross's home, and Wood Mountain, a Métis community.<sup>85</sup>

Local comment on the outcome is instructive: the Leader rejoiced with those Regina citizens who, with their brass band, serenaded Mr. Davin on the Wednesday following the election;<sup>86</sup> the Journal remarked that "one very noticeable feature of the voting was the manly way in which electors announced their votes for 'James Hamilton Ross,' and the faltering, hesitating way in which others said 'Davin'";<sup>87</sup> the same issue attributed the Liberal defeat to being late in the field, to being unable to win the votes of the large number of government employees and contractors, to the open vote and to the effect of patronage in its various forms, or as it was called, "boodle."<sup>88</sup> In contrast, however, while acknowledging with a certain regret that the four territorial representatives were straight government supporters, the Edmonton Bulletin suggested that these four members, Davin included,

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83 Regina Leader, Mar. 15, 1887, "Today."

84 The Canadian Parliamentary Companion, 1887, (Ottawa, 1887), p.177.

85 Regina Leader, Mar. 22, 1887, "Territorial Elections."

86 Ibid., "Mr. Davin Serenaded."

87 Regina Journal, Mar. 17, 1887, "North-West Elections."

88 Ibid., "The Wherefore and the Why."



will compare favourably with those of any province in Confederation. They are all local men of high standing, who are indentified thoroughly with the country and in the vocations which they have thus far severally pursued have shown good abilities. Such men are naturally far preferable to mere politicians however able, and it is to be hoped that in the duties they have been called upon to assume they will do as well as in those that have fallen to their lot already.<sup>89</sup>

At age 47 Davin had finally realized a long-standing ambition. He was now the Member of Parliament for Assiniboia West, and he looked the part. He was a man of commanding presence, well built, straight and tall. He customarily dressed with care in a pearl-grey suit and cutaway coat, with black-ribbed eye-glasses worn around his neck. He was quick of movement, and his lively features and rich appealing voice lent dramatic emphasis to his deliberate speech. He was bald by his late thirties with only a fringe of reddish hair around the sides. His pale grey eyes were never cold, but his glance was powerful, penetrating and analytical. In dress, speech and mannerism he had an atmosphere of studied affectation about him.<sup>90</sup> This was the man, who had been chosen to represent the new constituency of Assiniboia West in the House of Commons. This was the Davin whom Grip described as "The Coming Man."

No member of the new Parliament [the account continued] will be more closely watched by an expectant people than Mr. Nicholas Flood Davin, M.P. for West Assiniboia. Those people who have noted his ante-election address have a right to regard him as an independent member, who will retain his manhood, and in his own words "rise superior to party." That he will take his place in the front rank of our parliamentary orators, goes without saying, and we trust his eloquent voice will be invariably

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89 Edmonton Bulletin, March 26, 1887, "North-West Elections."

90 This sketch is a composite drawn from three sources: Stubbs, Lawyers and Laymen of Western Canada, p.19; Charlesworth, More Candid Chronicles, p.24; and Jessie R. Bothwell, "High Diplomacy in a Jury," Leader-Post (Regina), Sept. 11, 1954.



on the side of right. It will be no easy work for him, however. The Government, no doubt, counts him amongst its chattels, and will do its utmost to suppress any indication of independence on his part. We hope he will mark this down in his little book.<sup>91</sup>

It had been a long road for Nicholas Flood Davin, ironmonger's apprentice of Kilfinane, County Limerick, but the election of 1887 had opened wide the doors on "a world of hope."

Neither time nor Davin's triumph at the polls, however, was able to dissipate the bitterness of the election campaign during which Davin had been variously described in the pages of C.J. Atkinson's Regina Journal as "a cowardly back-stabber,"<sup>92</sup> "a penny-a-liner,"<sup>93</sup> "a failure as a lawyer,"<sup>94</sup> "a clever extortionist,"<sup>95</sup> and "the cowardly libeller."<sup>96</sup> "Extortionist" was obviously a misprint for "contortionist," but there was no mistaking the meaning of the other appellations. Nor was there any mistake after the election when Atkinson referred to the Leader as "a libelous [sic] sheet,"<sup>97</sup> as a paper prone to "invent falsehoods,"<sup>98</sup> and to its editor as a "hypocrite."<sup>99</sup> There was certainly no mistake when the Journal reprinted a sentence from the Montreal

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91 Grip, Apr. 9, 1887, "Comments on Cartoons."

92 Regina Journal, Feb. 3, 1887, "Characteristics of the Man."

93 Ibid., "Keep to the Point."

94 Ibid.

95 Ibid., Feb. 10, 1887, "Saturday's Meeting."

96 Ibid., Mar. 10, 1887, "The Blackest of Midnight Falsehoods Exposed to the Sunlight of Truth."

97 Ibid., May 12, 1887, "Notes and Comments."

98 Ibid., Dec. 27, 1888, "Commissioner Herchmer and the Leader."

99 Ibid., May 19, 1887, "Pie-crust Promises on Disallowance."



Witness in which Davin was called "the evil genius of the North-West."<sup>100</sup>

Davin probably found it difficult to laugh off even an individual instance, let alone an accumulation of personal attacks such as these, but he refrained from seeking the redress which was surely available to him in law. Instead, he bided his time, perhaps even hoping for something less petty which would make a law suit worth his while. He had his day in court eventually, but not quite on ground of his own choosing.

On July 9, 1889, in Davin's absence from Regina, the Leader ran a short paragraph in which it was reported that Christopher Atkinson, in his capacity as Superintendent of the Knox Presbyterian Church Sunday School, had preached to his class one Sunday about the evils of horse racing, while on the following Monday, in his capacity as printer, had printed and distributed programmes for the Dominion Day races.<sup>101</sup> Atkinson immediately filed suit for libel, claiming damages of \$5,000.<sup>102</sup> The writ was waiting when Davin returned to Regina, but this too was a petty business, and the offending paragraph was absolutely contrary to "all the rules of management which have ever guided The Leader." Since the chief rule was "that private affairs shall not be discussed in its columns," and since "there were no grounds whatever" for the aspersions cast in the paragraph, the Leader regretted and apologized for the whole affair.<sup>103</sup> Atkinson, however, was not disposed

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100 Ibid., Dec. 15, 1887, "Notes and Comments."

101 Regina Leader, July 9, 1889.

102 Christopher J. Atkinson, Plaintiff, vs The Leader Company (Limited), Defendants, Statement of Claim, dated July 16, 1889, AS, Records of the Supreme Court, North-West Territories, Regina, Docket No.102, 1889.

103 Regina Leader, July 30, 1889.



to accept this full and frank apology; he wanted Davin in court, and Davin was prepared to oblige. Under the heading "A Religious Truth-Teller,"<sup>104</sup> Davin reviewed the whole case in the Leader. He professed personally to see no inconsistency in Atkinson's conduct as a printer and as a Sunday school teacher; and he admitted that he cared nothing for the writ, since he knew Atkinson was himself "a libeller by profession" and thus could not expect a favourable verdict in such a case. He revealed that Atkinson had insisted that the apology acknowledge that no grounds "existed" for the aspersions cast in the offending paragraph. Davin, however, had refused to give his opponent this sort of general character reference; he would admit there were no grounds for the Leader's personal attack in this instance, but he would not admit that no grounds existed for believing Atkinson to be a hypocrite. The article went on to regret "in the interest of christianity and the children of this town that a man who seems to have some of the finest instincts of a scoundrel should be the President of a Sunday school"; and after alluding to the belief that animal characteristics sometimes appear in the facial features of individuals, the editorial concluded: "We are therefore far from saying this man is a hypocrite. On the contrary he may be a truly saintly person in his way; a model in his way. We are sure he knows how to watch and prey. [sic]"

As expected, Atkinson dropped his first suit and commenced a new action against both The Leader Company and Davin, this time seeking \$10,000 in damages, complaining of the libellous statements in

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<sup>104</sup> Ibid., Aug. 6, 1889, "A Religious Truth-Teller."



"A Religious Truth-Teller."<sup>105</sup> The defendants claimed that the article was not libellous in that it did not touch upon the business of the plaintiff; that it contained "fair and bona fide comment upon a matter of public interest"; that it was "true in substance and fact"; and that it was lawfully published by reason of the provocation caused to them.<sup>106</sup> The defendants went on to enter a counter-claim in the amount of \$10,000 each, charging Atkinson with five specific instances of libel against Davin and the Leader in 1887 and 1888.<sup>107</sup> The action was tried on July 2 and 3, 1890, before Mr. Justice Hugh Richardson and a jury of six. Atkinson was represented by D.L. Scott of Regina and Nathaniel Francis Hagel, Q.C.,<sup>108</sup> a distinguished trial lawyer from Winnipeg, while Davin, assisted by T.C. Johnstone, conducted the defence. The speeches of counsel on both sides were brilliant and persuasive; the jury was inclined first one way and then the other, but Davin had the last word and the result was a draw.<sup>109</sup> In effect, three cases had been tried: the jury found for Atkinson against Davin and The Leader Company in the initial suit; for Davin against Atkinson in the counter action; and Atkinson was found not guilty of libelling The Leader Company. Damages were set at

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105 Christopher J. Atkinson, Plaintiff, vs The Leader Company (Limited) and Nicholas Flood Davin, Defendants, Statement of Claim, dated Sept. 7, 1889, AS, Records of the Supreme Court, North-West Territories, Regina, Docket No. 119, 1889.

106 Ibid., Defence and Counter-claim, dated Oct. 1, 1889.

107 Ibid.

108 See Stubbs, op.cit., pp.22-48. Davin was made a Queen's Counsel on Oct. 27, 1890. See N. Omer Côté, Editor, Political Appointments, Parliaments and the Judicial Bench of the Dominion of Canada, 1867 to 1895, (Ottawa, 1896), p.424.

109 Stubbs, op.cit. p.45.



\$500 in each case, and costs were proportioned amongst the three litigants, Atkinson to receive \$90.58 from Davin and \$74.77 from The Leader Company.<sup>110</sup>

The apportionment of costs gave Atkinson at least technical satisfaction in having won two out of three of the verdicts,<sup>111</sup> but his expenses had been heavy and in the end he sold out and left Regina. His Journal was superseded by the Regina Standard under J.K. McInnis who assumed with ease Atkinson's mantle of critic and rival of Davin and the Leader. Davin did not comment publicly on either the verdicts or the judgement, and this was perhaps the wisest course. The case had shown both parties guilty of libel, but more significantly it had shown the deep and bitter divisions within the community. Furthermore, to the extent that a jury is the community in microcosm, it had shown Davin's misjudgement of the temper of that community. He had obviously expected to win his case on the grounds of provocation alone, and there is no doubt that he had been provoked, but neither his argument nor his eloquence was sufficient to give him the verdicts he thought he deserved. His conduct on this occasion had literally been judged and found wanting.

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110 Atkinson vs Leader Company et.al., Judgement, dated Aug. 8, 1890, loc.cit. The trial was reported in Regina Leader, July 8, 1890, "Leader Libel Suit," and in Regina Journal, July 3, 1890, "The Libel Suits." Davin's speech to the jury was published under the title For the Leader Company, Limited (Regina, 1890).

111 Regina Journal, July 3, 1890, "Result of the Libel Suit."



## CHAPTER VII

### THE HONOURABLE MEMBER FROM THE WILD WEST<sup>1</sup>

When Davin entered the House of Commons for the first time as a member in 1887 he made no pretence about his party allegiance or his attitude to the constituency he represented: he was listed in The Parliamentary Companion as "A Conservative, who favours a broad and generous policy for developing and peopling the North-West."<sup>2</sup> This description he proceeded to justify by word and deed, and in the four sessions of the Sixth Parliament from 1887 to 1890 he concerned himself with the problems of the individual settler as well as the broader issues affecting the Dominion and the Empire. Hansard records Davin discussing the question of the half-breed claims on one occasion and Irish Home Rule on another; he is further recorded instructing the House on the justice of public expenditure in the Territories and again on the history of the Society of Jesus; or he is found advocating the publication of agricultural bulletins in German, or the maintenance of the imperial connection. Thus, while one opposition member could refer to Davin as "the incarnation of Banff Springs, namely, gush and gas,"<sup>3</sup> and another could call him "the blatherskite from West Assiniboia,"<sup>4</sup> still

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1 HCD, May 3, 1887, Vol. 1, p.237. Mr. Casey referred to Davin on this occasion as "my hon. friend from the wild-west," and added, "he will excuse me if I cannot remember his constituency at this moment --" to which Davin replied, "I will excuse any amount of ignorance."

2 The Canadian Parliamentary Companion, 1887, (Ottawa, 1887), p.111.

3 HCD, May 3, 1887, Vol. 1, p.237.

4 Ibid., May 7, 1890, Vol. 2, c. 4538. This expression, being unparliamentary, was withdrawn with the explanation that it had been used inadvertently: "... I thought he was outside, when an unpalatable truth might be stated," said the offending member, Mr. Charlton.



another could inform the House that "[Davin] is a man I admire very much. I admire his ability and his eloquence ...."<sup>5</sup>

He was active privately in the interests of his constituents from the very day he was elected to Parliament, and the Honourable John Thompson, Minister of Justice, was the recipient of a number of letters in which the new member for Assiniboia West presented the claims of his constituency and its inhabitants. Over the years Thompson became a sort of confidant for Davin, a friend and adviser to whom Davin unburdened himself from time to time. In 1888, for example, he wrote to Thompson as follows:

I am alive to doing all in my power for the Catholic portion of my Constituency, and have recommended Mrs. Simpson for a position in the Indian Office. But neither for Catholics nor protestants [sic] who have done nothing for the party can I do anything while men who worked hard and whose other claims stand high are unprovided for. Father Graton knows how sincerely I desire to meet his wishes where it can be done with justice, fitness and prudence.<sup>6</sup>

Davin pressed the interests of his constituents in public as well, and he was not the least reluctant to take or make opportunities to advocate public improvements in the North-West. On one occasion he pointed out to the government that a court house and a lock-up were absolute necessities at Medicine Hat, Maple Creek and Moose Jaw. He said: "It is not consonant with the dignity of justice that the Judges of the Supreme Court of the North-West Territories should hold their court in --" and when a member interjected with, "A school house," Davin continued, "It is worse than that -- they have got to hold their

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5 Ibid., Apr. 28, 1890, Vol. 2, c. 4057.

6 Davin to Thompson, Aug. 27, 1888, PAC, Thompson Papers, Vol. 74, No. 5222.



court in a tavern."<sup>7</sup> On another occasion, his activities on behalf of those who had taken part in the suppression of the Saskatchewan Rebellion drew from Sir Adolphe Caron, the Minister of Militia and Defence, the acknowledgement that "no member of Parliament has taken a deeper interest in trying to secure recognition for those who took part in the suppression of the rebellion troubles in the North-West than my hon. friend from Assiniboia (Mr. Davin.)."<sup>8</sup>

He was concerned with the welfare of the Indians and Métis,<sup>9</sup> and when the House became involved in a discussion of the propriety of religious education in the state-supported Indian schools, he expressed the opinion that the government would be "wanting in its duty ... if it did not join hands with the various religious bodies in attending to [the] religious culture [of the Indians]."<sup>10</sup> The impression that the Church-State question was at issue in the matter had arisen, according to Davin, because of a "confusion of language"; "the eloquence of my hon. friend here (Mr. Landerkin) which is always amusing, and the logic of my hon. friend from Bothwell which is always irresistible, at the present time are both at fault."<sup>11</sup>

It was no mere confusion of language, however, which raised the issue of Church and State in the matter of the Jesuits' Estates which was to be Davin's first parliamentary encounter with the rocks and shoals of racial and religious controversy. The Society of

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7 HCD, Apr. 28, 1890, Vol. 2, c. 4040.

8 Ibid., May 4, 1888, Vol. 2, p.1205.

9 See for example ibid., Apr. 26, 1888, Vol. 2, p.1011, and also ibid., Apr. 14, 1890, Vol. 2, c. 3309.

10 Ibid., Apr. 28, 1890, Vol. 2, c. 4049.

11 Ibid.



Jesus had been suppressed by the Pope in 1773, and by a decision of the British government their estates were to escheat to the Crown upon the death of the last surviving member of the Order, and the proceeds were then to be devoted to educational purposes. The last member of the Order in Canada died in 1800, but in 1842 the Jesuits, having been restored by the Pope earlier in the century, returned to Canada, and since in cases of escheat there was a moral obligation to appropriate a portion of the sum to the carrying out of the original intention of the donors and to the indemnification of those who might otherwise have been entitled to the estates, the Jesuit Order still held a strong enough claim to preclude the sale of the lands. Furthermore, the Quebec bishops claimed that with the suppression of the Jesuits, their lands should have passed to the dioceses in which they were located rather than to the Crown. Thus the bishops too claimed an interest in the lands involved and a right to participate in the settlement.

Honoré Mercier, who led the Liberal party to power in Quebec in 1887, incorporated the Society of Jesus that same year, and the following year, with the assistance of the Pope as the only authority recognized by the bishops and the Jesuits to act as arbiter in a Church dispute, he worked out an agreement between the two parties for full legal settlement of the claims, which aggregated some \$2,000,000, upon payment by the Quebec government of \$400,000 to the Jesuits and \$60,000 to the Protestant schools in the province. The agreement was embodied in The Jesuits' Estates Act passed without opposition or dispute by both Houses of the Quebec legislature in 1888, but in Ontario where memories of the racial and religious issues arising from the Riel affair were still fresh, a furor was raised over what was considered to be the Pope's unwarranted interference in Canadian affairs. Splinter



groups from the two great parties formed the Equal Rights Association under the leadership of D'Alton McCarthy, and the dispute was carried into Parliament in 1889 with the demand for disallowance of The Jesuits' Estates Act.<sup>12</sup> The case for disallowance, embodied in a motion moved by Col. W.E. O'Brien, was based on the assertion that the Act was beyond the powers of the Quebec legislature, since it endowed a religious organization from the public treasury, recognized the temporal authority of the Pope, and in endowing the Society of Jesus constituted a threat to the civil and religious liberties of the people of Canada.<sup>13</sup> Davin did not take part in the debate, but in the ensuing division he voted with the majority<sup>14</sup> against the motion which was supported only by "the noble thirteen," a group of militant Protestant M.P.s otherwise referred to as "the devil's dozen."

Davin did participate the following year, however, when the matter was reopened by Mr. J. Charlton (North Norfolk) who moved an amendment to the Supply motion to the effect that the question of the constitutionality of The Jesuits' Estates Act should have been submitted to the Supreme Court of Canada.<sup>15</sup> Davin took issue with Charlton who, he said, "has once again wantonly thrown this apple of discord on the table of the House ...."<sup>16</sup> Having reviewed the chequered history of the Jesuit Order, and having defended the settlement effected by Mercier, Davin

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12 For an account of this issue see Roy C. Dalton, The Jesuits' Estates Question, 1760 - 1888, (Toronto, 1968).

13 HCD, Mar. 26, 1889, Vol. 2, p.811.

14 Ibid., Mar. 28, 1889, Vol. 2, p.910.

15 Ibid., Apr. 30, 1890, Vol. 2, c. 4191.

16 Ibid., c. 4228.



concluded by saying:

Now, Mr. Speaker, the hon. member for Norfolk (Mr. Charlton) referred in his speech to "Him whose Kingdom was not of this world." I believe, Sir, the hon. gentleman is a professed follower of Him whose Kingdom was not of this world. I believe he is a professed follower of Him whose teachings which so far as my reading goes -- and it runs in a sort of a way I suppose, over five or six literatures -- there is nothing, in this wide world, that has been written from the birth of time, to compare with these writings. And what, Sir, is the cardinal doctrine of it all? It is charity; love to your neighbour, pity for mankind, kindness, making people love each other, and you loving your brother. That is the doctrine which runs through the teachings of Him whose Kingdom was not of this world. But here is a gentleman who makes professions which I would not presume to make, and yet, Sir, though he makes these professions, I would cut my right hand off, before I would take part in an agitation as he has done, so calculated to set man against man, and to raise up among our people, malignant, malicious, foolish, damaging and dangerous passions.<sup>17</sup>

Davin's position was clear; this sort of thing was to him pure demagoguery. Yet for this very reason it was politically dangerous, especially so for an Irish-Canadian from County Limerick who claimed to have become "a very low English Churchman" by adoption.<sup>18</sup>

Davin's next experience at navigating the reef-strewn waters of racial controversy came in that same session of 1890 when D'Alton McCarthy introduced a bill to abolish the "dual language" in the North-West Territories. The bill was a simple proposal to repeal section 110 of The North-West Territories Act which provided that either English or French might be used in the debates of the North-West Council and in proceedings before the courts, and that the records, journals and ordinances of the Council were to be produced in both languages.

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<sup>17</sup> Ibid., c. 4236.

<sup>18</sup> Ibid., Feb. 12, 1890, Vol. 1, c. 535. He went on to say: "Nobody supposes I have any leaning to [the Roman Catholic] church. I am a Radical on religious subjects...."



According to McCarthy, the section had been inserted as a Senate amendment to the Act as passed in 1877 and had been left unaltered by subsequent amending Acts, but he argued that the continuation of the "dual-language" provision was inimical to national unity, and he claimed that the original provision for two official languages in the Territories had been a mistake, since there was no legal requirement for two languages anywhere but in the Parliament of Canada and the Legislature of Quebec. His proposal, he claimed, was in accord with public opinion as expressed in the territorial press and in a petition addressed to the House of Commons by the North-West Assembly during the session of 1889 which argued that since the needs of the North-West population did not demand the official recognition of two languages, the expenditure occasioned by such a requirement was unnecessary.<sup>19</sup>

When McCarthy moved second reading of his bill on February 12, Davin rose immediately to move:

That this Bill be not now read the second time, but that it be Resolved, That it is expedient that the Legislative Assembly of the North-West Territories be authorized to deal with the subject of this Bill by Ordinance or enactment, after the next general election for the said Territories.<sup>20</sup>

In speaking to his amendment he contended that the question was a local one and the decision should therefore be made by the North-West Assembly, but he argued too that there was a question of justice involved, for if French-speaking settlers had been encouraged to move into the Territories expecting a statutory guarantee of their language, the guarantee should not be peremptorily repealed.<sup>21</sup> It could not be argued, Davin continued,

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19 See HCD, Jan. 22, 1890, Vol. 1, cc. 39-51.

20 Ibid., Feb. 12, 1890, Vol. 1, c. 532.

21 Ibid., c. 533.



that the repeal of the "dual-language" provision was justified simply because the French-speaking population was small: "... the bare fact of [the French] being outnumbered is a reason why, without giving them a hearing, we should not repeal this clause."<sup>22</sup> He then proceeded to assail McCarthy's proposition that a nation can be formed only where there is a community of language, and he suggested that "... for a man of great influence and popular power to disseminate those fallacies throughout the country, is a very great crime and a very great misdemeanour at the bar of history."<sup>23</sup>

I would not care in the least what he proposed to do [Davin continued] if he did not fall into such fallacies, misleading as they are and calculated to beget ideas which may indeed tend to the disruption of the country.<sup>24</sup>

Finally, having shown that McCarthy's main propositions were "absolutely without foundation," that the deductions drawn from them were "fallacious " and that the authorities quoted in support of them "actually teach something else," Davin expressed the hope that there was "that grandeur of soul in my hon. and learned friend that he can come to the conclusion that he has been in error, and will determine to mend his ways."<sup>25</sup>

As the debate continued it appeared that Davin's amendment was not acceptable to the House, and Mr. C. Beausoleil (Berthier) moved a subamendment declaring in effect that there was no justification for the withdrawal of the "dual-language" clause.<sup>26</sup> In the end, however, Beausoleil's subamendment having been defeated, it was the proposal of

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22 Ibid.

23 Ibid., c. 536.

24 Ibid.

25 Ibid., c. 545.

26 Ibid., c. 557.



the Minister of Justice which carried the day. Thompson's subamendment was similar to Davin's amendment in that it left the final decision up to the North-West Assembly which could act on the matter after the next general election in the Territories, but it also declared the determination of the House of Commons to resist any attempts to impair the covenants respecting the use of the French language.<sup>27</sup>

Thus Davin demonstrated something of his inherent sense of justice and tolerance, a justice which was not confined to popular causes and a tolerance which was not dictated by political expediency, but in addition he demonstrated on this occasion a nice sense of that balance required of the parliamentarian when the local interests of his constituents appear to run counter to his own views of the broader interests of the nation. Davin was not to be stampeded by popular pressure, and when the McCarthyites claimed the support of the territorial press, Davin read to the House the comment of the Regina Leader of September 10, 1889, headed "The Dual Language." Let the question be raised, the Leader had advised, "but when raised let us discuss it as statesmen should discuss it, without violent or offensive language." And again: "If it should be decided that in any part of the Dominion the dual language is not necessary, let it be abolished without exciting cries or dithyrambics, and vice versa." And finally:

We are in a new country in the North-West, let us make a new start and discuss any question that may arise, not in the deceiving glare of prejudice, but in the clear cold light of reason; nay, in the broad illumination of the Gospel of our Lord, who taught us that all men are brethren. If the continuance of the dual language is to be discussed it should be discussed in the same practical temper, the same absence of excitement, as we would discuss the building of a bridge over Boggy Creek. It is not necessary to be violent

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27 Ibid., Feb. 18, 1890, Vol. 1, cc. 881-82. In the division on Thompson's sub-amendment to Davin's amendment, Davin voted with Thompson. See ibid., Feb. 21, 1890, Vol. 1, c. 1018.



or offensive or to rail at this or the other section of the community....<sup>28</sup>

It was, however, the cause of the North-West settler which Davin espoused with the greatest vigour. Since immigration, railways and the tariff were each essential to the national equilibrium, and since the developing North-West Territories were perhaps more deeply affected by government policy than other parts of the Dominion, the three-legged stool which was the National Policy of the Macdonald government had a special significance for the North-West, and it was therefore to be expected that Davin, concerned as he was with the condition of the people in the North-West, would concern himself with the immigration, railway and tariff policies of the federal government. On the question of immigration and settlement, for example, the House heard from him frequently on such matters as the homestead regulations,<sup>29</sup> squatters' rights,<sup>30</sup> experimental farms,<sup>31</sup> well-boring,<sup>32</sup> irrigation<sup>33</sup> and a university for the North-West Territories.<sup>34</sup> The House also heard from him frequently on the question of second homesteads, and indeed, his campaign for justice in this matter stands as a most notable demonstration of his persistence and his effectiveness as a backbench representative of the western settler.

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28 Quoted in ibid., Feb. 12, 1890, Vol. 1, c. 543.

29 Ibid., June 11, 1887, Vol. 2, p. 891.

30 Ibid., Apr. 20, 1887, Vol. 1, pp.19-20.

31 Ibid., Feb. 22, 1889, Vol. 1, p.292.

32 Ibid., Apr. 5, 1889, Vol. 2, p.1080.

33 Ibid., Apr. 14, 1890, Vol. 2, c. 3292.

34 Ibid., c. 3315.



In 1883 The Dominion Lands Act had been amended to permit a settler who had received his patent after three years' residence to file for a second homestead. While this was not the practice in the United States, Macdonald had explained to the House that the consequence of prohibiting the practice would undoubtedly be a drain of experienced farmers to the American territories, and the House appeared to be in general accord with the principle of the proposal.<sup>35</sup> Consequently, The Dominion Lands Act, 1883, assented to on May 25, contained the provision that "any person who had obtained a homestead patent after three years' residence ... may obtain another homestead and pre-emption entry."<sup>36</sup> By 1886, however, it had become apparent that the principle of the second homestead had not had the desired results; rather than discouraging the exodus of settlers, it had encouraged speculation in land, and the weed-infested fields of homesteads abandoned by farmers who had moved farther west were in fact an injury rather than an improvement to the land. The government therefore introduced a measure to repeal the second-homestead provision which, after an amendment in committee to protect the rights of those who had already received their patent recommendations, became law on June 2, 1886.<sup>37</sup> The second-homestead provision had thus been on the statute books for three years and eight days, and since three years' residence was required before a settler could receive his patent, settlers who had taken up a homestead between May 25, 1883, and June 2, 1886, expecting to qualify for a second

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35 Ibid., Apr. 27, 1883, Vol. 2, p.860 ff.

36 45-46 Vict., c. 17, s. 37.

37 49 Vict., c. 27.



on completion of their patent requirements, were virtually excluded, while those who had settled before the provision was made in 1883 were able to benefit from it. Davin appeared in the lists as the champion of the former group seven days after Parliament opened in 1887.

On April 20 of that year he introduced a bill to amend The Dominion Lands Act to allow a person who had settled between May 25, 1883, and June 2, 1885 [sic] to enter for a second homestead on any day after he had received his recommendation for the patent. This was, in his words, "only the merest measure of justice to the persons who will be affected by it,"<sup>38</sup> but his bill died after first reading. A government measure to amend The Dominion Lands Act, designed in part to extend the qualifications for a second homestead, was introduced later in the session, but in Davin's view, as he explained it to the House, the measure would "not bear powder and shot for a moment when you bring the test of justice to it."<sup>39</sup> In his opinion, the bill failed from the point of view of both policy and justice, for in effect it made it easier for those who had no moral right to a second homestead while those with both a moral and a legal right were completely deprived of the opportunity.

I know it will be said that the second homestead was a bad policy [he argued]. I grant that it was a bad policy and a mistake; but whose mistake and whose bad policy was it? It was our mistake and our bad policy. It was not the mistake of the Englishman, who, in 1884, on the Downs of Devon, met the emigration agent, and learned from him that in this great liberal land, that in this paradise of the settler, he could get a second homestead if he came here.<sup>40</sup>

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38 HCD, Apr. 20, 1887, Vol. 1, p.19.

39 Ibid., June 11, 1887, Vol. 2, p.891.

40 Ibid.



As far as Davin was concerned, bad policy or not, Parliament could not in conscience repudiate a moral contract with the settler.

To this argument the Minister of the Interior, Thomas White, replied:

... while I have listened with great pleasure to the hon. gentlemen's speech, I cannot quite say that I am altogether convinced by it. However, we will discuss it when we go into committee.<sup>41</sup>

This reply did not, of course, satisfy Davin, and he went across to the Minister and in private conversation learned that White had in fact seen the full force of the argument, but when pressed to act on it replied "I do not think I can."<sup>42</sup> At this Davin "got a little mad, that is to say ... a little aggravated; [since, as he explained later] it is very seldom that I get mad, but when I do it is merely a righteous indignation,"<sup>43</sup> and having gone back to his place, thought the matter over before approaching the Minister again with this appeal:

Well, look here, you have been very good to us, you have done nearly everything that could have been done by your department .... Now put [the termination date for applying for second homesteads] on one year and I will be satisfied for the present.<sup>44</sup>

To this appeal White replied: "I will risk it."<sup>45</sup>

The principle was not argued to any extent in committee, and indeed MacDowall from Saskatchewan was prepared to allow the Minister to deal at his discretion with any cases of hardship.<sup>46</sup> However,

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<sup>41</sup> Ibid.

<sup>42</sup> For Davin's account of this incident see ibid., Feb. 27, 1889, Vol. 1, p.353.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid., June 11, 1887, Vol. 2, pp.904-5.



just before the committee rose, the Minister made the concession which he had promised Davin earlier, and moved an amendment to extend the time limit within which a settler could apply for a second homestead from June 2, 1886, to June 2, 1887, and he added a further proviso to permit a certain group, the crofters, who had been allowed to create charges against their land, but who had completed their duties by June 2, 1887, to make a second homestead entry. He said:

I think I will meet the views of the hon. gentlemen from the North-West and Manitoba, all of whom, notwithstanding the remarks of hon. gentlemen opposite that they are too willing to agree with the view of the Government, have been most persistent in their efforts to have their views, not only in this matter, but in some other matters carried out ....<sup>47</sup>

Davin's back-bench tactics -- private consultation with the Minister combined if necessary with public criticism in the House -- were beginning to bear fruit. Still, the matter was far from settled. If justice were to be done, the terminal date for applying for a second homestead would have to be set at June 2, 1889, and Davin continued to press this issue throughout the ensuing sessions.

In April of 1890 he reopened the question once again with this motion:

That it is just and expedient that clause 43 of the Dominion Lands Act be amended by extending its provisions from the 2nd day of June, A.D. 1887, to the 2nd day of June, A.D. 1889.<sup>48</sup>

In an impassioned speech he reiterated the arguments for the justice of his case, attacked the illogical position of the government, and in closing the debate suggested that if a large corporation were in a similar position, it would probably have the support of the members,

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<sup>47</sup> Ibid., p.914.

<sup>48</sup> Ibid., Apr. 14, 1890, Vol. 2, c. 3298.



But in the case of these poor settlers, who are without means of making their voices felt in the country, when a humble member of this House brings forward their claims, we have a great man using his power against their position. I say you may vote on this how you like, their claim stands rooted in justice; as it stands there it ought to be strong against the whole world.<sup>49</sup>

The motion was negatived on division, but not before the Honourable Peter Mitchell made this comment which reveals something of his assessment of the member for Assiniboia West:

It always affords me pleasure to listen to the hon. gentleman. Everybody knows he is talented, clever, and able; and when he takes hold of any case, he generally looks to see it through, when he is in the humor. It is much to my surprise and my gratification that for once he has plucked up courage enough to attack the Government, assail their policy, denounce their unjust acts, and endeavor to persuade this House to pursue a course which will lead to a different state of things from that pursued by the Administration which the hon. gentleman has supported in the past and no doubt will continue to support in the future.<sup>50</sup>

It was true, as Mitchell had said, that Davin would continue to support the administration; it was true, also, that he would continue to see his case for second homesteads through to a conclusion.

This second homestead issue was, however, not an isolated indication of Davin's independence as Mitchell's comment might suggest. Davin's concept of the parliamentary process was a concept which embraced "the best and noblest traditions [of Parliament]," and he sought in Parliament "something like plasticity, something like that capacity for being convinced which the very idea of a Parliament implies, and without which a Parliament is a mockery."<sup>51</sup> In February of 1890, for example,

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<sup>49</sup> Ibid., cc. 3318-19.

<sup>50</sup> Ibid., c. 3319.

<sup>51</sup> Ibid., June 11, 1887, Vol. 2, p.891.



Davin had participated briefly in the debate on an opposition motion to establish a committee to enquire into the exodus of Canadians to the United States, and he alluded to this idea of plasticity when he said:

... if my hon. friends on this side, instead of moving for a fishing committee would make a motion in favour of an energetic immigration policy, they would find that some of the Tories would be voting with them.<sup>52</sup>

He returned to a criticism of the Government and its immigration policy the next month when an almost empty House was in Committee of Supply on immigration. He was critical of the fact that all the leaders of the opposition and all but a few of the government leaders were out of the House when this great aspect of the National Policy was being discussed, and he claimed the matter could not be discussed without revealing weaknesses in the policies of both parties, but he was especially critical of the present administration.

Sir, [he said] at this moment we ought to have at the head of one or other of these Departments a man of genius, a man of great energy, but at the present moment we have a Cabinet of antiques: I do not care how broadcast it is sent tomorrow morning, it has to be spoken out, we have a Cabinet of antiques.<sup>53</sup>

The phrase was indeed broadcast: an opposition member referred to it as "the most true statement of the Government's ability ever given by any hon. gentleman on this side of the House";<sup>54</sup> and a few days later Grip carried the following comment on the incident:

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52 Ibid., Feb. 10, 1890, Vol. 1, c. 433.

53 Ibid., Mar. 26, 1890, Vol. 1, c. 2447. Davin had used the phrase earlier; see Regina Leader, July 5, 1883, "Settlers on the Reserve," in which he said: "We have a sincere admiration for Sir John Macdonald, but he certainly seems to have a love for cabinet antiques."

54 HCD, Mar. 26, 1890, Vol. 1, c. 2526.



Mr. Grip has always felt an interest in that brilliant but rather erratic genius of Regina, Mr. N.F. Davin, and our advice to him has always been to stand up independently in the House and give to the country and not to any party the benefit of his fine talents. Mr. Davin has not always "done us proud" by following this sound advice, but we forgive him a great deal in view of the refreshing little episode which took place the other day in the Emigration debate.<sup>55</sup>

With respect to railway policies, it was the monopoly clause in the Canadian Pacific charter which most seriously offended the settler who attributed to it the high freight rates, the long hauls for certain commodities such as coal and the isolation of certain areas which had been settled, in some cases, years before the construction of the trans-continental line. A.S. Morton shows that the policy which prohibited even temporary rail connections with the United States prior to the completion of the Canadian Pacific Railway led directly to great inconvenience for the settlers, for the flood of immigration had entered the West ahead of the railway, and thus, even by 1881 when the C.P.R. reached Brandon, "its single line running across the province was already inadequate."<sup>56</sup> The government of Manitoba therefore took it upon itself to charter railways under its constitutional power to incorporate commercial companies, and this led directly to a jurisdictional dispute with the federal government which resulted in the federal disallowance of the Manitoba railway charters. In 1887, the year in which Davin entered Parliament, Mr. Robert Watson, the Liberal member for the Manitoba constituency of Marquette, challenged the government's act of disallowance,

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55 Grip, Apr. 5, 1890, pp.229-30.

56 A.S. Morton, History of Prairie Settlement, (Toronto, 1938), p.66.



and Davin thereby immediately became involved in a situation which was to be something of a harbinger of a later crisis in his political career.

Davin did not participate in the debate on Mr. Watson's motion, a motion which was clearly an expression of want-of-confidence, since Macdonald had said in the course of the debate:

If this House thinks [the government was wrong in their exercise of disallowance], it will so express its opinion, and another Government will advise His Excellency ... when Manitoba repasses those Acts, and they will be allowed to go into operation.<sup>57</sup>

Nor did Davin vote in the division which concluded the debate and in which the other three North-West members cast their votes for the government. Thus Davin left himself open to charges made later in the press and repeated in the House, that he had "shirked the vote."<sup>58</sup> Thus too he found it necessary on a later occasion to explain the stand he took not only on the question of disallowance, but also on the question of his position vis à vis his constituency and his party.

When I came down here [Davin explained] I was, in principle, opposed to disallowance ... [but] when I found the hon. member for Marquette (Mr. Watson) was about to make disallowance a question of want of confidence, I said to my friends, some of whom sympathized with me, if it comes to a question of want of confidence in the Government, it is all perfect nonsense, you must vote for the Government. Why? With the Government supported by a powerful majority, nothing could be effected except to present your nice conscientious views on the question of disallowance. So that I lay down this proposition, that when a party man differs on a detail from his party, such as this matter is, the proper thing for him to do, if he agrees with the party in its general program, is to support his party, to keep his party in power so that it may carry out a beneficent general policy, and for the time being to allow that small side issue to rest. I have long ago thought that

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57 HCD, May 26, 1887, Vol. 1, p.578.

58 Ibid., June 15, 1887, Vol. 2, p.1015.



question out, and it is a very delicate and nice question. It is a very different thing if the difference occurs on a large question.<sup>59</sup>

One might very well have asked what Davin meant by "a large question" if, in his view, the disallowance of the Manitoba railway legislation was merely a detail of party policy, but the answer might well have been that this particular matter was a local issue which did not warrant a party revolt. Yet why, then, did he feel it necessary to abstain? His explanation was given the following year when the House was debating a government measure to guarantee C.P.R. bonds in return for the surrender of the monopoly clause in the railway charter. He had been under the impression that his constituents were not particularly concerned with the question of disallowance, and while he was personally of the view that disallowance was not the best policy to pursue, the government had based its position on the interests of the Dominion at large, and therefore, Davin explained, "I did not vote. I did not pair .... I abstained from voting because I thought then that that was the only course for me to pursue."<sup>60</sup> Davin called Edmund Burke to his defence in this matter when he claimed that "nothing but the very greatest question, questions affecting the interest of the country at large, can justify a man in breaking the bonds of an honorable [party] connection of that sort."<sup>61</sup>

He went on to argue the case in terms of the legislation presently under consideration:

They have got rid, not of the disallowance for which

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59 Ibid., p.1014.

60 Ibid., May 11, 1888, Vol. 2, p.1364. Note that Davin is listed in HCD, 1887, Vol. 1, p.viii, as having paired with Mr. MacKenzie in the division on Watson's disallowance motion.

61 Ibid., May 11, 1888, Vol. 2, p.1364.



the hon. member for Marquette (Mr. Watson) was struggling, and for which I in my way was struggling -- for I never concealed my opinion, but in fact stated in a very plain way to the head of the Government what my view on this subject was, that while my friends in Manitoba were contending for disallowance we in the North-West were not deeply interested in disallowance unless we had also monopoly got rid of; but the Government decided to get rid of monopoly and disallowance at the same time.<sup>62</sup>

Davin had entered an area in which his conduct was subject to interpretation and in which the twin loyalties to party and to constituency appeared to conflict. His position may have been philosophically sound, but in terms of party politics the subtlety of the argument might very well have escaped the average party member, and the apparent conflict remained unresolved.

On the specific issue of this debate, the guaranteeing by the government of Canadian Pacific bonds in return for the abandonment of the monopoly clause, Davin stood squarely with the government. He referred to the growing value of the monopoly with the growth in production and population of the West; he claimed that the government had struck a good bargain for Canada in eliminating the monopoly clause in return for a guarantee of the interest on \$15,000,000 worth of bonds; and he was critical of that parochialism which forever argued in terms of what the West had cost the Dominion:

... do not let any man from Ontario or Quebec imagine that we for one second will listen with any patience to the proposition that the North-West is in any way indebted to the rest of Canada. The fact is this: it is the rest of Canada that is indebted to the North-West. We have given you a backbone. We have put you in a position to go before the world with the certainty of a great future, and hence it is that your credit stands so well.<sup>63</sup>

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62 Ibid., p.1365.

63 Ibid., p.1366.



Finally, he refused to endorse an opposition amendment regretting that the security for the guarantee was inadequate and that the agreement contained no specific commitment to construct branch lines.

Now, Sir, [said Davin in closing his speech] I cannot vote for the amendment ... because part of it contains propositions which the Government have endorsed, and it closes with the simple regret that the Government have not done so and so .... Sir, I am a material creature. I am not airy enough, I am not volatile enough to be able to divide on a regret or go into battle about a sigh.<sup>64</sup>

There were other aspects of railway monopoly which concerned Davin. For instance, in 1887 the opposition had argued that the Qu'Appelle, Long Lake and Saskatchewan Railway and Steamship Company should not receive land subsidies, since this short line was being built simply to enhance the value of certain coal properties, but Davin had argued that coal was an expensive and essential commodity on the treeless plains and everything possible should be done to increase competition amongst coal suppliers in that area.<sup>65</sup> On the other hand, when Mr. Walter Shanly, a Montreal Conservative, moved third reading of a bill to incorporate the Alberta Railway and Coal Company, the motion was opposed on the grounds that the bill would create another monopoly which would tend to increase the price of coal in the North-West Territories. Mr. Watson moved an amendment in an attempt to fix the freight charges on coal, and Davin, having spoken against the bill, voted for the amendment as one of a handful of Conservatives and the only North-West member voting against the majority who were in favour of the bill.<sup>66</sup> Thus the premises upon which Davin based his actions as both an honourable party man and a North-

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid., June 18, 1887, Vol. 2, p.1119.

<sup>66</sup> Ibid., Feb. 25, 1889, Vol. 1, p.299.



West representative begin to emerge. On those many minor issues which did not involve a question of confidence in the government and on which Davin's views differed from the majority of his party, he was prepared to ignore party lines; where want-of-confidence was involved, but where the government enjoyed a commanding majority, Davin acknowledged his differences by abstention.

As for the third leg of the National Policy, the tariff, Davin was clearly a protectionist. While his position was to undergo certain modifications over the years, his fundamental belief in a protective tariff is apparent throughout his career. In 1887, for example, he argued in favour of a protective duty on the patent insides of newspapers,<sup>67</sup> and again, while Perley from Assiniboia East spoke in favour of a reduction of the duty on agricultural implements from 35 per cent to 25 per cent, Davin, even as a representative of a North-West constituency, argued against the proposal.<sup>68</sup> It was in 1888, however, in the debate on Sir Richard Cartwright's motion for unrestricted reciprocity with the United States, that Davin gave the earliest extensive account of his position on the matter of protection. He began by suggesting a similarity between the demeanor of the Reform party and the doctor in Molière's comedy Le Malade Imaginaire: both had been dismissed by the patient, and both consequently threatened the patient with destruction. In Davin's terms, unrestricted reciprocity was a prescription for the destruction of Canada. He suggested further that a comparison of Canada and the United States, with the population, the organized wealth and the inchoate wealth of the two nations laid side by side, and an allowance

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67 Ibid., May 16, 1887, Vol. 1, pp.448-49.

68 Ibid., May 17, 1887, Vol. 1, pp.486-87.



made for the difference in age, would show to the advantage of Canada, and he refuted the argument that Canada was suffering from stagnation while everything was "halcyon and progressive and satisfactory in the United States."<sup>69</sup>

Unrestricted reciprocity, he argued, would do nothing to prevent the exodus of population to the United States, the so-called exodus being in fact a perfectly natural development, but one from which "these pessimists derive great consolation." On the other hand, unrestricted reciprocity would certainly do great damage to the North-West, since American ranchers would immediately drive their herds north to graze on the Canadian prairies, and in ten years, Davin predicted, the grazing areas of the Canadian West would be cleaned off and the profits made in cattle would have gone "into the pockets of the millionaire ranchmen [sic] living in New York, Chicago and St. Louis." Not only would Canada lose this wealth, he continued, but in addition, "all chance of Winnipeg becoming the Chicago of the west will disappear." While admitting that geography imposed certain conditions upon the political and economic relationship between Canada and the United States, Davin contended that "a great deal more is made of our geographical position than is warranted," and in spite of geography Canadians need not "shrink from the noble task of building up a great nation." To this end, internal trade was as important to Canada as it was to the United States, and it was clear to Davin "that if we want to become a great nation, if we want to develop our resources in such a manner that the internal trade will be a great factor in our life, we must imitate the United States and pursue the same policy of protection."

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69 This and succeeding quotations are drawn from ibid., Mar. 16, 1888, Vol. 1, pp.223-34.



Protection, he went on, took many forms, and he cautioned the House that unrestricted reciprocity would not necessarily give Canadian manufacturers free access to American markets, for just as British industry at one stage chose to protect itself through a free-trade policy, so Canadians would find that American industry would continue to enjoy protection by virtue of patents, by virtue of being richer and more highly organized, and by virtue of the fact that they had "long come to maturity, while our manufactures are only in an adolescent stage." The American market was in fact "a treacherous one" for Canada, since it would necessitate competition on very unequal terms. Thus, while unrestricted reciprocity would not open American markets to Canadians, it would, on the other hand, enable American products to enter the Canadian market freely, and Canadian industry might therefore find it very difficult to retain even its own home trade.

There were other considerations as well: loyalty to the Empire was not to be lightly disregarded; problems of Canada's relationship with her more powerful partner would undoubtedly arise; and without the support of the "lion of England," Canada would be "like a rabbit caught in a wild cat's claw." Furthermore, unrestricted reciprocity was but a first step to commercial union and annexation, since the difference between them "is the difference between tweedle-dum and tweedle-dee." Again, the loss of a revenue tariff would leave Canada no alternative but to levy that most unfair tax of all, a tax on income, and at the same time the loss of Canadian shipping could be expected, since Canada's overseas trade would disappear under a reciprocity agreement. Nor should Canadians be blind to the internal problems of the United States which would undoubtedly affect any nation as intimately linked with the United States as Canada would be by such an agreement: combines were rampant and



presented serious industrial problems; the Negro population, which would reach 96,000,000 by 1960, represented a problem which "menaces the future of the republic." Finally, Davin suggested, the real question was: "Shall we take a step that will land Canada in the United States and make this country part and parcel of the republic?" This question he answered with an eloquent "No":

But Sir, [he concluded] I tell these preposterous propagandists of a contemptible pessimism, who whine out that Canada is doomed,

"The grave's not dug where traitor  
hands shall lay  
In fearful haste her murdered  
corse away."

No, Sir, Canada's future is secure. She is still young; but the day of maturity is at hand; and centuries hence, when the historian shall have marked with a pen of indelible scorn the character of this movement, her heart will be strong, her life vigorous, she will go forward in ever-expanding progress, beauty's ensign purple on her lips and on her cheeks, and the day remote beyond human ken when death's pale flag will be advanced there.

On the question of protection, then, Davin had taken a position sympathetic to the Canadian manufacturer, and in defending it he had used arguments calculated to appeal to the Canadian patriot. It remained to be seen whether he would be able to carry his constituents with him on this question which North-West farmers interpreted in terms of the price of binder twine and agricultural implements.

Another matter of particular concern to the western settler was the administration of the North-West Mounted Police which, under Commissioner Lawrence Herchmer, was the subject of considerable criticism in the territorial press. Herchmer's rigid concept of military discipline, coupled with periodic outbursts of a violent temper directed towards both his troops and the civilian population alike, tended to override any appreciation of his devotion to duty. While the conditions of service and



the responsibilities of command may have justified Herchmer's rule of iron, his reputation as a martinet caused a restless dissatisfaction within the force which was in turn reflected beyond the police posts and barrack squares of the North-West. Consequently, during the session of 1890, Davin moved for a commission of inquiry into the management of the Mounted Police and the conduct of Commissioner Herchmer,<sup>70</sup> and in arguing his case he claimed that under Herchmer the morale and efficiency of the police were in jeopardy, and the people of the North-West were treated by Herchmer "as if they were dirt beneath his feet."<sup>71</sup> Davin argued that the Commissioner was by temperament unsuited to command, since minor offences of his men frequently merited severe punishment, while light punishment was sometimes given for far more serious crimes. Such gross injustice, Davin suggested, would not be condoned in the ordinary courts of law.<sup>72</sup>

The government opposed Davin's motion, and in the debate Sir John Macdonald explained to the House that Herchmer's faults were the "faults of his good qualities,"<sup>73</sup> and because he was stern, firm, and a good disciplinarian, he was just the man for the job. It was further charged by Mr. T.M. Daly, Conservative member for Selkirk, that this was "a matter of personal spite and spleen on the part of the hon. member for West Assiniboia,"<sup>74</sup> and Daly was probably close to the mark. Davin had borne a grudge against the Herchmer brothers ever since that unfortunate

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70 Ibid., May 5, 1890, Vol. 1, c. 1503.

71 Ibid., c. 1504.

72 Ibid., Mar. 31, 1890, Vol. 2, cc. 2674-80.

73 Ibid., c. 2686.

74 Ibid., Apr. 14, 1890, Vol. 2, c. 3359.



incident on the Winnipeg to Regina train in 1883. On the other hand, however, both as an editor and as a Member of Parliament, Davin had advocated reforms in the conditions of service in the Mounted Police which showed his genuine concern for the morale of the members of the force and for the force itself as a public institution.<sup>75</sup> He may indeed have been influenced by "personal spite and spleen," but by acting as he did he drew the attention of the House, the government and the country to a matter which, rightly or wrongly, was regarded as a grievance in the North-West, and the force was, after all, not a law unto itself, but a public institution, a creature of Parliament. In spite of the support of a few Conservative members and from the Liberal opposition, however, Davin's motion was negatived on a recorded division. Yet he had accomplished his purpose indirectly, for Macdonald advised the House in the course of the debate that it was his "intention to have a departmental investigation, at the request of the Commissioner, into all the charges made heretofore or which may be presented against him when that departmental inquiry is undertaken."<sup>76</sup> Davin had made his point, but he had made it at a certain cost to himself, for his motives were obviously suspect, and the debate shows something of the strained relations which had by this time developed between Davin and the leadership of the Conservative party. Davin considered he was doing nothing but his duty, an unpleasant duty made more unpleasant by the fact that he was opposed by the Prime Minister and therefore by the party over which that great man properly exercised a tremendous influence. Davin acknowledged that he fell under

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<sup>75</sup> See for example Regina Leader, Jan. 18, 1887, "The Mounted Police -- The True Method"; and HCD, Apr. 15, 1889, Vol. 1, p.1269ff.

<sup>76</sup> HCD, Apr. 14, 1890, Vol. 2, c. 3355.



that influence as much as any other member of the party, but, he added:

I may tell you that if the frowns of the right hon. gentleman have any terror for me, it is only because of my affection for him. It is that alone which arms that frown with terror for me. But, Sir, I say that nobody can have influence over me to the extent of preventing me doing my duty in this House. I have a duty to perform and I do not care how it may result to myself. I can parody the words of Edmund Burke and say:-

"I know the map of Canada as well as any man, and I know that the course I take does not lead to preferment."<sup>77</sup>

Thus, throughout the course of the Sixth Parliament, Davin established his reputation as a parliamentarian of considerable ability. He contributed to the debate not only his eloquence, but also the fruits of a well-stored mind and a determination to represent the interests of his constituents as he saw them. Moreover, he participated in the rough and tumble of parliamentary life with a gusto that probably endeared him to many of his colleagues on both sides of the House, while undoubtedly there were some who were repelled by it. When, for example, he characterized certain remarks of David Mills and Sir Richard Cartwright as "parliamentary pedantry," and a member challenged him to "say it loud and say it slow," Davin countered with, "I will say it as loud and as slowly as the tympanum or dulness of the hon. gentleman makes it necessary."<sup>78</sup> On another occasion he suggested to the House that the Honourable Edward Blake, the distinguished leader of the Reform party, was "the greatest man in small things and the smallest man in great things with whom my reading has brought me in contact."<sup>79</sup> On behalf of the

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<sup>77</sup> HCD, Apr. 14, 1890, Vol. 2, c. 3365.

<sup>78</sup> Ibid., May 3, 1887, Vol. 1, p.235.

<sup>79</sup> Ibid., Mar. 26, 1890, Vol. 1, c. 2419.



library committee, he urged the House to make a larger grant for the purchase of exchanges, and he said: "... we cannot make bricks without straw. That is an Egyptian task."<sup>80</sup> He went on to argue with respect to the Library of Parliament that funds should be made available to purchase a wide variety of literary works without regard to the point of view of the author, but simply because certain works were recognized as being significant contributions to knowledge. For example, he went on:

I may say in regard to Lampman: that I have read Lampman's works. The fact is that he is a genuine poet. His song is not the mere echo of high poetic culture, he has a genuine note of his own; he has a genuine inspiration of his own; and so far as we can encourage him we ought to encourage him in the interests of Canada, because you may be sure of this, that the life-blood of a people is the genius that is put into books. There is the life-blood from which statesmen, and merchants, and lawyers, and others draw their nutriment, and that is the centre and source of all power.<sup>81</sup>

Davin's ambition too was apparent in these years and he was on occasion chided by his fellow-members for being too eager to demonstrate his qualifications for a portfolio.<sup>82</sup> Indeed, Davin himself suggested that he was, in his way, "a funnel, so to speak, conveying [to the House] what information was given to me...."<sup>83</sup> This characterization was taken up by the members, and it was thrown back to Davin on a number of occasions as, for example, when one member expressed the hope that "whenever a Minister of the Crown fails to give information to the House, [Davin] will prove himself up to his undertaking, and prove himself

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80 Ibid., Apr. 28, 1890, Vol. 2, c. 4070.

81 Ibid., cc. 4072-73.

82 See for example, ibid., May 8, 1888, Vol. 2, p.1269, where Davin is charged with seeking the finance portfolio.

83 Ibid., Feb. 12, 1889, Vol. 1, p.61.



this peculiar political funnel so that we will receive all the information needed."<sup>84</sup> Even before this though, Davin had had the last word: "I only wish [he had commented earlier] I could taper the funnel a little so as to get some information into my hon. friends' heads, because the bottles are too small for the funnel."<sup>85</sup> Yet Davin did not win all his engagements, and when on one occasion in committee he made bold to answer a question directed to a Minister, he was rebuffed by the questioner in these words:

In my simplicity I supposed the Minister who had charge of the department would be able to give us the information, otherwise I would have asked the hon. member for East [sic] Assiniboia, whom we all know is ready to give information to every one who desires it in this House. I hope the hon. member will not feel in any way hurt because I neglected to ask him before asking the Minister.<sup>86</sup>

His most serious rebuff, however, was his failure to win the appointment as Minister of the Interior in succession to Thomas White. In May 1888 Grip had published a cartoon suggesting that Davin was the obvious choice for the office along with the comment "Can there be any doubt as to who the next Minister of the Interior will be?"<sup>87</sup> Davin's reaction to Dewdney's appointment is not, of course, specifically documented in Hansard, yet it is easy to detect a certain bitterness in the relationship between the new Minister and the member for Assiniboia West which had not at all intruded into Davin's relations with White, and indeed Dewdney reciprocated with a gruffness in his dealings with Davin,

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<sup>84</sup> Ibid., Feb. 22, 1889, Vol. 1, pp.281-82.

<sup>85</sup> Ibid., Feb. 14, 1889, Vol. 1, p.130.

<sup>86</sup> Ibid., Apr. 16, 1889, Vol. 2, p.1324.

<sup>87</sup> Grip, May 12, 1888, "Comments on Cartoons."



a gruffness which Ministers usually hesitate to employ even with opposition members.<sup>88</sup> Yet in the same way that the bitterness of thwarted ambition is apparent, so also is it apparent that with all the eloquence, with all the knowledge, with all the sense of justice and of the parliamentary process, Davin still lacked those other qualities peculiar to even the most run-of-the-mill administrator. Perhaps it was Peter Mitchell who came closest to the mark when, after acknowledging Davin's ability and his eloquence, he added this assessment: "... but Davin has not any staying power about him. That is what is the matter with Davin."<sup>89</sup> Mitchell was quite right if he were referring to ordinary matters of daily routine; on the other hand, as the second-homestead issue demonstrated, Davin had more than ample determination to stay with any matter that caught his fancy and to pursue justice to the end. Be that as it may, there is no doubt that Davin had earned, if not the admiration, then at least the respect of his colleagues, for Edward Blake, that "great man in small things," in commenting on the "inestimable blessing" of parliamentary representation for the North-West Territories, said of Davin: "He says in the North-West there has been an immigration d'élite and we have the élite of the élite, and we may judge what is left there by the sample which they send us."<sup>90</sup>

In this way, then, did the members of the House of Commons assess the qualities and characteristics of Nicholas Flood Davin

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88 See for example HCD, Apr. 14, 1890, Vol. 2, cc. 3301-02.

89 Ibid., Apr. 28, 1890, Vol. 2, c. 4057. See also ibid., June 23, 1887, Vol. 2, p.1273, and ibid., Apr. 14, 1890, Vol. 2, cc. 3301-02. Both Mills and Dewdney suggested on different occasions that Davin's somewhat sporadic enthusiasm had caused the House certain inconvenience.

90 Ibid., May 6, 1890, Vol. 2, c. 4474.



as he had demonstrated them during the four sessions he had sat in the House. In addition, while the events of 1886 and 1887 made it clear that the member for Assiniboia West could not expect the unanimous support of his constituents, it is of some significance to note that his parliamentary activities merited the unanimous endorsement of at least the Regina District Liberal-Conservative Association, for in January of 1889 it was:

Moved by C.J. McCusker, Seconded by P. McAra Sr. That this meeting of the Liberal-Conservative Association of the Regina District condemns the unjust and scurrilous attacks made by the "Winnipeg Call" on Nicholas Flood Davin M.P. for Western Assiniboia, who both before and since his entry into Parliament has by his able and patriotic action laid not only this district, but the whole Northwest under lasting obligations, and we hereby express our confidence in him, believing he will pursue the same patriotic course as heretofore, loyal not only to his party and the Dominion of Canada, but to the Northwest by standing up fearlessly for our rights.<sup>91</sup>

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91 Minute Book, Jan. 3, 1889.



## CHAPTER VIII

### DAVIN'S DILEMMA

Shortly after prorogation on May 16, 1890, Davin returned to his constituency to attend to the politician's perennial task of mending political fences. His letters to Thompson in the months that follow show his concern for those outward and visible signs which constituents regard as a measure of the influence their member is able to exert on the administration:

I have been at the extreme west of my Constituency [he wrote on June 9] and found everything most satisfactory. Moosejaw and Maple Creek will be the parts of my Constituency which will require most looking after -- I hope you will have the Court Houses built there this year; also a Court House fixed up at Medicine Hat.<sup>1</sup>

They show, too, his confidence in his command of the electorate:

You will be glad to hear [he wrote some months later] that in the western half of my Constituency (whence I have just come) I was everywhere received with enthusiasm. In three places Votes of Confidence unanimous: in one one hand contra; in another seven hands contra -- I wish to heaven the election would come on in March. I should have a march over -- They gave me a regular ovation at Moosejaw. This greatly surprised me -- it is very jealous of Regina.<sup>2</sup>

Yet, at the same time, Davin was also aware that within the Conservative organization itself those undercurrents of antagonism which had troubled the waters in 1886 and 1887 still ran close to the surface. Consequently, he found it necessary to seek Thompson's assistance to calm those waters:

I write to you not merely as to a leader

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1 Davin to Thompson, June 9, 1890, PAC, Thompson Papers, Vol. 109, No. 12645.

2 Ibid., Jan. 19, 1891, PAC, Vol. 121, No. 14273.



of mine but as to a friend.

Nobody can get back his deposit who runs against me. Why then should I be put to the trouble of a contest.

D.L. Scott Q.C. your agent is always doing his little best against me. He, his partner, and Le Jeune the banker are always in trying. I want you on receipt of this to write D.L. Scott saying something like this --

"We see from reports that Davin is very strong. I hope you will do all you can to help him."<sup>3</sup>

The influence of even the Minister of Justice was insufficient in this case, for two days after Parliament had been dissolved<sup>4</sup> the first eddy of discontent began to rock the Conservative boat in Assiniboia West. The Regina Standard, which had commenced publication on January 29, 1891, and had acknowledged its support of the Conservative party for so long as that party continued to represent "a progressive national spirit,"<sup>5</sup> remarked editorially on February 5 that it was quite fit and proper for Davin to present himself for nomination at another convention, and the same editorial suggested that there were other possible Conservative candidates in Assiniboia West including Thomas Tweed of Medicine Hat and D.L. Scott of Regina.

[However] if Mr. Davin be the choice of such properly constituted convention we shall support his candidature. Let there be none of that eagerness

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3 Ibid., Jan. 30, 1891, No. 14419.

4 Dissolution had come as something of a surprise in the North-West Territories. See Edmonton Bulletin, Feb. 7, 1891, "The Elections." However, Davin seems to have been expecting an election well before he was warned by the Prime Minister on Jan. 30, 1891, that "a dissolution is quite on the cards." See Macdonald to Davin, Jan. 30, 1891, PAC, Macdonald Papers, Letterbook 27, No. 415. For a discussion of Macdonald's strategy in dissolving at this time, see Creighton, John A. Macdonald -- The Old Chieftain, Chapter 15.

5 Standard (Regina), Jan. 29, 1891, "Salutatory."



to be first in the field, betraying conscious weakness. Let there be a convention without delay.<sup>6</sup>

This editorial, Davin claimed in a letter to Thompson, had been written by D.L. Scott.<sup>7</sup>

Another nominating convention, however, was the last thing in Davin's mind at that time, for the Leader of February 10 carried his address to the electors, a friendly little item, the informality of which was considered appropriate because the "candidate" felt as though he "were addressing so many brothers."<sup>8</sup> Moreover, at a meeting in Regina on the previous Saturday at which Davin had defended his party and his record, he had taken pains to demonstrate that a convention was quite unnecessary. In the first place, he claimed that there was no need for a convention, for the voters' minds were made up; in the second place, he argued that there was not time to organize a properly representative convention; in the third, he suggested that people could not afford to attend; in the fourth place, he hinted that "there [was] good ground for believing that foul play [was] intended by one or two gentlemen in the extreme west"; and finally, he warned that there was a distinct possibility that a Conservative convention might alienate certain Reform votes which had already been pledged to him.<sup>9</sup> The "unanimous vote and the great British ringing cheer"<sup>10</sup> with which this meeting endorsed the sitting member did not, however, reflect the views of Conservatives generally

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6 Ibid., Feb. 5, 1891, "A Convention."

7 Davin to Thompson, Feb. 9, 1891, PAC, Thompson Papers, Vol. 122, No. 14555.

8 Regina Leader, Feb. 10, 1891, "Address."

9 Ibid., "A Big Meeting."

10 Ibid., "What Will Mr. Davin Do?"



on the question of a nominating convention, and a convention was called for this purpose for Saturday, February 14, 1891. The Regina District Liberal-Conservative Association, at a meeting the day before, named their delegation and instructed them "to vote for Mr. Davin as the nominee of the convention first -- last -- and always."<sup>11</sup>

In Moose Jaw the next day difficulties arose immediately over the admission of six "uncalled delegates" from settlements near Regina which some claimed were adequately represented by the delegation of fifteen sent from the Regina District association. These six were finally admitted, however, and when the convention turned its attention to choosing a candidate, Davin found himself opposed by Thomas Tweed of Medicine Hat. In the voting that followed Davin won with twenty-five votes to nineteen for Tweed who thereupon pledged his support to Davin. It was the "uncalled delegates" from Qu'Appelle Valley, Loon Creek, McLean, and Hednesford, voting solidly for Davin, who gave him his majority of six.<sup>12</sup> Without these delegates, the Regina Standard claimed, "Mr. Tweed would have secured the nomination by the casting vote of the president. This very close call [the Standard continued] was a great surprise to those that had been led to believe that Mr. Davin was almost invincible."<sup>13</sup> The editor hoped that these events would have a salutary affect on Davin since it had thus been fully established that there are

not a few in his constituency, who have the courage to differ from him, and, who while perhaps approving his general career, are not prepared to endorse his every act. The constituency, too, will lose nothing

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<sup>11</sup> Minute Book, Feb. 13, 1891.

<sup>12</sup> Medicine Hat Times, Feb. 19, 1891, "Moose Jaw Convention."

<sup>13</sup> Standard (Regina), Feb. 19, 1891, "The Convention."



from having disabused Mr. Davin's mind of the idea that he was the only one in Western Assiniboia fit to represent us in the Parliament of Canada.<sup>14</sup>

The Leader, on the other hand, regarded the convention as simply an absurdity which Mr. Davin and his friends had been forced to attend.<sup>15</sup> Thus the nominating convention, which Davin had hoped to avoid, had been a near thing; still, he had successfully met the challenge to his candidature whether "foul play" had been intended or not. However, he was to face yet another challenge, and this of his own making, before he could present himself to the electors of Assiniboia West.

It was barely six days after the Moose Jaw convention when Davin's sun almost went into eclipse again. The occasion was a meeting at Medicine Hat at which, according to the report in the Medicine Hat Times, "Mr. Davin was in bad form, in fact he was to all appearances partially intoxicated, yet he spoke as well as many an ordinary man does in his sober senses."<sup>16</sup> The sober citizens of Medicine Hat were appalled at this unseemly conduct in one who aspired to represent them in the councils of the Dominion, and at the conclusion of Davin's rambling address, it was moved, seconded and carried sixty-four to four:

That the disgraceful conduct of Mr. Davin since the Moosejaw convention is censurable and unbecoming and renders him unfit to represent this district in parliament.<sup>17</sup>

Realizing the damage that might be done to the Conservative cause amongst the substantial puritanical element in the constituency, Daniel Mowat,

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<sup>14</sup> Ibid.

<sup>15</sup> Regina Leader, Feb. 17, 1891, "That Convention".

<sup>16</sup> Medicine Hat Times, Feb. 26, 1891, "Mr. Davin Censured."

<sup>17</sup> Ibid.



president of the Regina District Liberal-Conservative Association, prevailed upon Davin to take the pledge,<sup>18</sup> and in the Leader of February 24, amongst the professional cards and advertisements for lost and strayed horses and for teachers wanted, there appeared Mr. Davin's renunciation of "the use of stimulants of all kinds," and his promise "to be in future a strict teetotaler and to use his influence, pen and tongue on the side of total abstinence." "I fully realize," he went on, "that drinking has been the bane of my life and I am determined to quit it forever."<sup>19</sup>

The reaction was immediate: the Standard suggested that pledge had been given under "peculiar circumstances," and that Davin had been in "a bemuddled condition" when he gave it;<sup>20</sup> the Medicine Hat Times commented that the apology "made on the eve of an impending election, has about it a suspicious ring, yet we cannot see how the electors of Western Assiniboia can refuse to accept it";<sup>21</sup> the Regina Leader, having reminded its readers that Davin had been nominated "unanimously" at the Moose Jaw convention, and having pointed out that he was about to become a member of the temperance society in Regina, suggested that "No man is perfect, and no doubt Mr. Davin has faults and has made mistakes, but these should not be allowed to out-weigh the services he has rendered before and since his election."<sup>22</sup>

Comment on the incident was not confined to the editorial columns: a constituent wrote to the Medicine Hat Times to point out that

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18 Standard (Regina), Feb. 26, 1891, "Mr. Davin and his Pledge."

19 Regina Leader, Feb. 24, 1891, "Cards".

20 Standard (Regina), Feb. 26, 1891, "Mr. Davin and his Pledge."

21 Medicine Hat Times, Feb. 26, 1891, "Mr. Davin Censured."

22 Regina Leader, Feb. 24, 1891, "Western Assiniboia".



conduct "which is censurable and unbecoming [in Mr. Davin] and renders him unfit to represent this district in parliament, is overlooked in the case of the G.O.M. of Canada ...,"<sup>23</sup> while another letter-writer, however, described the pledge as a "disreputable production, concocted on Sunday, printed on Sunday and, with brazen effrontery dated on Sunday ...."<sup>24</sup> Regina Conservatives were similarly of two minds: a meeting of the association held on February 24, debated the following motion:

That it is the voice of this meeting that all Conservatives should stand true to Mr. Davin he being the Nominee of the Convention at Moose Jaw and endorsed by the Government [sic] as their candidate [sic], and that we disapprove of the action of certain parties in endeavoring to make a split in the ranks of Western Assiniboia.<sup>25</sup>

To this motion an amendment was moved by D.L. Scott and D.A. McDonald:

That all the words after the word that be substituted by the following  
 "This Meeting shall defer taking any action until after Nomination Day."<sup>26</sup>

The amendment was defeated, and the minutes do not include a notation respecting the fate of the motion. The result of Davin's indiscretion was a contest which, as indicated in his letter to Thompson some weeks earlier, he had hoped to avoid. His opponent, a Conservative, was the man who had come so close to winning the nomination from him at Moose Jaw -- Thomas Tweed of Medicine Hat.

The campaign issue in Assiniboia West thus became the personalities of the candidates rather than the programmes of the

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23 Medicine Hat Times, Feb. 26, 1891, "Temperance or Politics".

24 Ibid.

25 Minute Book, Feb. 24, 1891.

26 Ibid.



parties. Davin was assailed for having "manipulated" the Moose Jaw convention to his own advantage,<sup>27</sup> and Tweed was attacked for having gone back on his solemn post-convention promise of support to Mr. Davin.<sup>28</sup>

Furthermore, there were undoubtedly many in the constituency who, since the Medicine Hat incident, would have agreed with the editor of the Regina Standard when he said:

Mr. Davin in the quietude of private life will have ample opportunity to reflect upon his past career, to subdue the passion which has been the bane of his life, and to convince the public that his avowed determination to reform and to use his talent in the advancement of the temperance cause is genuine. In the meantime, Mr. Tweed will attend to our interests at Ottawa.<sup>29</sup>

On the other hand, while Davin may have had cause to regret the affair, he saw no reason why it should end his political career. Indeed, from his demeanour in front of a Regina audience on nomination day, one suspects that he simply shrugged off the moralist's indignation and applied the politician's dictum that any publicity is good publicity. He explained to his audience that on the way to that fateful meeting in Medicine Hat he had met an old friend who had invited him to take a glass of wine at dinner. He confessed that it was very wrong of him, that it was a bad thing for him to drink that champagne, since, he said:

... my temperament was never able to stand anything strong. My system is so constituted that if I took a single glass of wine you could see in my eye there was a drop more than nature put there ... but [he went on] do you mean to tell me that men are fit to sit in judgement on me who are accustomed nightly and daily to take their horn (Cries of "No" and Cheers) --

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27 Standard (Regina), Feb. 26, 1891, "After the Nomination."

28 Medicine Hat Times, Feb. 19, 1891, "Moose Jaw Convention."

29 Standard (Regina), Feb. 26, 1891, "Tweed vs. Davin."



men who sit over their whiskey till morning -- men who sit over the gaming table, with the little joker up the sleeve and in the other hand the right and left bower. (Laughter).

And he continued:

Gentlemen, some of you know that I can't drink whiskey. My physique is so well constituted that the least stimulant gets to the brain and produces an effect which it would not produce on duller brains. (Cheers and Laughter).

Then, having pointed out that other men, men such as William Pitt and Alexander the Great, had suffered from the same weakness, Davin proceeded in these words:

If I have served you nine years are you to forget those services for men who, if you sent them down to Ottawa, would be merely votes -- men who can drink whiskey all the time and stand it, because it would require an Etna to fire their brain. (Deafening Cheers and Laughter). Gentlemen, you know that I have been all my life more of a teetotaler than a wine drinker or beer drinker. (Cries of "So you have.")<sup>30</sup>

While the Medicine Hat incident may certainly have focussed attention on Davin's weaknesses, it would be incorrect to attribute the anti-Davin sentiment in this campaign to that unfortunate affair alone. There were other and more deep-rooted sources of opposition with which he had to contend, the extent of which is revealed in his correspondence with Sir John Thompson after the election.

I have to thank you for the kindness you showed previous to my election [he wrote on April 18] and for the promptness with which you have acted when I have made any suggestion in the interest of the people or the party. I suppose you know your agent here D.L. Scott Q.C. was one of my great protagonists. He is a poorly endowed creature -- without influence -- without power of any kind -- a flabby mass of conceited mediocrity. All the influence and coercion (& this was supposed to be omnipotent) Herchmer could use was

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<sup>30</sup> Regina Leader. Mar. 3, 1891. "The Nominations".



against me; all the power of the Departments of the Interior & of Indian Affairs was stealthily used against me; the C.P.R. in one entire division but not with the wish of Van Horne; the leading Grit who opposed me in '87; the Lester Kaye farms; the western jealousy of Regina.

Once more let me thank you. I am sure you behaved sincerely -- Such cowardly treachery I have never even read of as was manifested in a certain quarter.<sup>31</sup>

Thus, while the Reformers might claim that the Tories benefited, particularly in the North-West Territories, by being assured of the vote of a prolific "establishment," namely, government employees, the Mounted Police and the vested interests such as the railway and the land companies, it is apparent that Davin did not enjoy this particular advantage. Indeed, Herchmer was able to circumvent instructions from Ottawa that he inform his officers "that the police were at liberty to vote how they pleased," simply by adding, according to Davin, "but I am in favour of Tweed."<sup>32</sup>

It was in this atmosphere, then, that Davin submitted himself to the electors who returned their verdict on March 5, 1891. Davin was re-elected with a majority of 327 which was a mere twenty-four votes higher than his majority had been in the party fight of 1887. He had captured 67.5 per cent of the popular vote, an increase of 4.4 per cent from the last election. Of the twenty-five polls, Davin lost Moose Jaw,

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31 Davin to Thompson, Apr. 18, 1891, PAC, Thompson Papers, Vol. 127, No. 15278.

32 Ibid., July 7, 1891, Vol. 132, No. 16026. See also Regina Leader, Mar. 10, 1891, "The Elections," and ibid., "Davin at Moose Jaw." Herchmer claimed that he made this statement merely to deny a rumour initiated by Davin's followers with the intention of influencing the police vote that Herchmer intended to support Davin. See North-West Mounted Police, Herchmer Inquiry, Report of the Hon. E.L. Wetmore, dated July 30, 1892, (Printed Confidentially), p.10 ff, PAC, RCMP Records, (R.G. 18, A-1, Vol. 79).



Beaver Creek, Caron, Swift Current, Maple Creek and Medicine Hat to Tweed.<sup>33</sup>

Editorial comment on Davin's victory varied in tone: the Standard was "confident the greater number of those who opposed [Davin] yesterday, will become his fast friends" should he adhere to his promises to perform his public duties faithfully;<sup>34</sup> the Medicine Hat Times, under the revealing heading "The Cause of Right Triumphs," claimed that the electors had demonstrated

with no uncertain sound, they prefer an experienced and tried man, who, having committed a fault, has the manliness to acknowledge it and promises to do better in future, to an inexperienced, untried man who in his ambition to grace the lobbies and drawing rooms of Ottawa, breaks a most solemn pledge.<sup>35</sup>

The Moose Jaw Times commented tersely: "We extend our congratulations and look forward to a career of greater usefulness in the ensuing sessions of Parliament than in the past."<sup>36</sup> Frank Oliver of the Edmonton Bulletin could not resist reminding his readers that the Regina Leader had claimed before the election that no sane person would deny Davin's eminent suitability as a Member of Parliament, and he suggested that "Judged by this standard the election returns show that some 660 of the free and independent of Western Assiniboia are insane, for they declared that Mr. Tweed was more fit to represent the constituency than Mr. Davin."<sup>37</sup>

An analysis of the motivation of an electorate, a delicate

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33 Medicine Hat Times, Mar. 19, 1891, "Davin's Majority."

34 Standard (Regina), Mar. 6, 1891, "After the Battle."

35 Medicine Hat Times, Mar. 6, 1891, "The Cause of Right Triumphs."

36 Times (Moose Jaw), Mar. 13, 1891, "The Victory."

37 Edmonton Bulletin, Mar. 21, 1891.



undertaking at the best of times, must be approached with even greater caution with respect to Assiniboia West in 1891 where despite the absence of a predominant party issue, the political atmosphere appears to have been remarkably fluid and uncertain throughout the campaign. Nevertheless, certain generalizations do emerge. On one hand, this election, contested by two candidates of the same party, shows more clearly than would have been the case had a partisan contest occurred, that Davin's control of his constituency was tenuous to say the least. After representing Assiniboia West for four years in the House of Commons, Davin was able to win approximately only the same proportion of votes as he had in 1887. On the other hand, however, if the "establishment" were in fact against him, as Davin claimed, the results would also suggest that he did enjoy the loyal support of a substantial group of settlers. Moreover, the antagonism of the police, the railway, the land companies and certain departments of the federal government would also suggest that Davin was not the mere tool of the administration which his opponents in Parliament claimed him to be. Thus, whatever motives the electors may have had, and whatever influences may have been at work against him, Davin was returned for the second time, but the results appear to be amenable to at least two contradictory interpretations: his friends could claim that even the opposition of certain government departments and other powerful institutions in the North-West had failed to detract from his popularity with the electorate; his enemies could argue that even after four years in office and in a contest against a candidate from his own party who had entered the field at the last moment, Davin had been unable to make any substantial improvement to his record of 1887.

Back in Parliament after the election, Davin continued to press upon the attention of the House the interests of his constituents, and in



particular to pursue those matters which had been left unfinished from the last session, foremost of which was the second-homestead issue. On June 1, 1891, he moved a motion urging that

... it should now be enacted that all those settlers who came in between 1st June, 1883, and 2nd June, 1886, should, on completing their improvements, be granted a second homestead.<sup>38</sup>

In both the motion and the ensuing debate Davin recited the developments to date and again stated his case for second homesteads. While he found some support, notably from Laurier and Mills, the Treasury Benches, for which Dewdney and Thompson were spokesmen, remained unconvinced, and MacDowall from Saskatchewan claimed that the people of the North-West were not in sympathy with the resolution. When Sir Hector Langevin moved the adjournment of the debate, Davin divided the House saying: "I have carried my constituency with the whole weight of authority against me, and I am pledged to my constituents to divide the House on this very question."<sup>39</sup> The adjournment motion carried in spite of Davin's substantial support from the opposition. Thus no marked progress was made, but at least the opposition appeared to have been convinced of the logic of Davin's case, and even the prohibitionist Grip was somewhat sympathetic to Davin when it commented on the debate in these words:

To [Davin's] demand, the Hon. Mr. Dewdney conclusively replies by alleging that Davin has broken through his temperance pledge since his arrival in Ottawa. We scarcely see the connection, though it is no doubt plain, looked at through Mr. Dewdney's eye-glass. One thing is tolerably clear, however, and that is, Dewdney and some other alleged ministers will have to go pretty soon.<sup>40</sup>

Later in the session it was Thompson, not Dewdney, who

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38 HCD, June 1, 1891, Vol. 1, c. 606.

39 Ibid., c. 629.

40 Grip, June 13, 1891, p.376.



stated the government's view on this matter of second homesteads. He expressed the opinion that further study was required since it was not certain how many settlers or how much land would actually be involved.

I believe that if the principle were worked out, as regards all who might possibly make claims, [Thompson replied] it would involve a concession of upwards of a million acres of land. We desire to investigate what these various classes of claimants are, and what extent of land would be involved in meeting their claims; and we shall be in a position to deal with the matter next session, perhaps as a Government measure. At all events, we shall be in a position to give the House such information as will enable it to deal with the matter with intelligence in the early part of the session.<sup>41</sup>

With this the second homestead issue was closed for the time being, but in March of the following year Davin was again in correspondence with the Minister of Justice on the subject:

I trust that the Govt has decided to do justice to those men who came in between the 2nd of June 1884 & the 2nd of June 1886 [he wrote] & had become morally entitled to a second homestead by the 2nd of June 1889. The estimate given you (quoted in your speech last Session) of the amount of the public domain involved I am quite sure is grossly exaggerated, but if it were correct, 1st justice should be done -- fiat Justitia -- 2nd nothing would result contrary to the accepted policy of settling the North West.<sup>42</sup>

Shortly thereafter Dewdney introduced a further amendment to The Dominion Lands Act, and in his speech on first reading informed the House that one of the provisions of the bill was to extend the time for second homesteading from June 2, 1887, to June 2, 1889.<sup>43</sup> Thus it was at last provided "that any person who, on the second day of June, in the year one

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<sup>41</sup> HCD, Sept. 28, 1891, Vol. 3, c. 6228.

<sup>42</sup> Davin to Thompson, Mar. 8, 1892, PAC, Thompson Papers, Photocopy in AS.

<sup>43</sup> HCD, May 27, 1892, Vol. 2, c. 2980.



thousand eight hundred and eighty-nine, had obtained a homestead patent ... shall be permitted to make a second homestead entry."<sup>44</sup> It had taken some five years and a variety of parliamentary and persuasive tactics, but Davin had obtained, in the face of the opposition of the government and particularly the Honourable Edgar Dewdney, Minister of the Interior and himself a North-West member, and with little support from his backbench colleagues from the North-West, a measure of justice for a certain group of settlers.

Another piece of unfinished business was the Mounted Police inquiry. The departmental inquiry had been conducted by Fred White, the Comptroller of the North-West Mounted Police, and his report was tabled in the House during the session of 1891. In his concluding remarks White said: "It will be observed that, with few exceptions, I have endorsed the commissioner's action in the various matters on which complaints were based," and he added that in his opinion Herchmer's unpopularity was due "almost exclusively to infirmity of temper, and lack of tact in dealing with the public and those under his command." The tone of these remarks was neither critical nor apologetic, but on the contrary, the Comptroller suggested that Herchmer's forcefulness and devotion to duty were essential characteristics for the commander of a force scattered over a large territory and exercising wide and varied responsibilities in bringing "a wild and undeveloped country into a state of civilization ...."<sup>45</sup>

The matter was not, however, disposed of by the Comptroller's report, for the departmental inquiry had not been made under oath,

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<sup>44</sup> 55-56 Vict., c. 15, s. 4.

<sup>45</sup> Canada Sessional Papers, 1891, No. 69, p.33.



and the lingering dissatisfaction over the affair was such that Herchmer himself had requested Davin in February of 1891 to move for an inquiry under oath.<sup>46</sup> Herchmer had declared, Davin informed Thompson, "that the police were demoralized; that his officers did not respect him; nor did Fred White."<sup>47</sup> Davin therefore moved again for an inquiry into the general conduct of the Commissioner adding on this occasion the words "and especially with reference to his conduct during the last election in Western Assiniboia, and also into the conduct of the officers and men of the Force in the said constituency during the election."<sup>48</sup> Thompson replied for the government and acknowledged that although Mr. White's report was "a very full and elaborate document," it had not been possible for him to make as thorough an investigation "as it would have been desirable to make before the charges could have been considered as having been entirely disposed of."<sup>49</sup> It was therefore the intention of the government, Thompson went on, to order a full inquiry under oath, and under these circumstances, and at the request of the Minister, Davin withdrew his motion.

The inquiry was conducted by Mr. Justice Wetmore, and his report was tabled in the House on March 3, 1893.<sup>50</sup> In reply to a

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46 Davin to Thompson, July 7, 1891, PAC, Thompson Papers, Photocopy in AS.

47 Ibid.

48 HCD, July 27, 1891, Vol. 2, cc. 2913-14.

49 Ibid., c. 2920.

50 North-West Mounted Police, Herchmer Inquiry, Report of the Hon. E.L. Wetmore, dated July 30, 1892, (Printed Confidentially), PAC, RCMP Records, (R.G. 18, A-1, Vol. 79).



question asked on March 15, Davin elicited the following summary of the report from the Honourable W.B. Ives: one hundred and thirty-seven charges had been preferred against Herchmer of which Wetmore found fourteen proved, and twenty-three proved in part; none of the charges affected the honesty or business capacity of the Commissioner or the efficiency of the force; Wetmore did find, however, that Herchmer was "liable to lose his temper"; the course the government intended to take in view of the results of the inquiry was "under the consideration of the Government."<sup>51</sup> The whole affair might certainly appear to have arisen almost entirely from the personal animosity which existed between Davin and Herchmer, yet Davin was playing for high stakes. He was challenging the interests of his party and the government he supported. It is unlikely that he would act as he did merely to seek vengeance against Herchmer for any real or imagined personal wrong. The clash of personalities in this matter ought not to be minimized, but at the same time the affair ought not to be dismissed as a tempest in a teapot. Davin had the interests of both the North-West and the Mounted Police very much at heart.

As for the National Policy, Davin continued generally to hew to the line he had marked out for himself in earlier sessions. He was to be found expressing his view that the railways should be made legally responsible for such things as fire-guards and safety devices;<sup>52</sup> he took up the cudgels on behalf of the proposal, dear to the hearts of his constituents, for a railway to the Hudson Bay;<sup>53</sup> he moved a motion

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51 HCD, Mar. 15, 1893, c. 2387.

52 Ibid., Jan. 30, 1891, Vol. 1, c. 924.

53 Ibid., June 25, 1891, Vol. 1, cc. 1386-90.



advocating a reduction in freight rates in the North-West Territories.<sup>54</sup>

Yet he was not content merely to dabble with the superficial aspects of the railway problem, and in a Parliament where there were many who would claim that railways and politics were synonymous, Davin spoke, as he had earlier in his newspaper, of the dangers of a railway monopoly, and he cautioned the House that

... much as we are pleased with what has been done [by the C.P.R.], much as we are pleased with the fact that this iron band put across the continent with so much skill has given a guarantee to the world and to ourselves of our national development, we cannot close our eyes to the danger that the day may come, the day may be at hand, when the whole railway system of this country may pass into the hands of one great corporation ... and the man who controls that corporation is practically the director behind the Throne.<sup>55</sup>

He went on to remind the members that the only interests of a railway company were those involving its own welfare -- "A corporation has neither a soul to be saved, nor is there any effective means of punishment available"<sup>56</sup> -- and he concluded with these words:

... I say this, that it is the duty of men who have no interest but the public interest to serve, to alarm the public mind on all occasions like this into watchfulness, so as to secure that we will take care in the future to minimize the dangers of railway power to the progress and liberty of Canada.<sup>57</sup>

Similarly, with respect to immigration Davin continued to urge, as he had in the past, that the government should undertake more vigorous and effective methods of peopling the West, for, "if Canada is to be to the Empire what Canada is capable of being, those Territories must be filled up."<sup>58</sup>

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54 Ibid., July 8, 1895, Vol. 2, c. 4022.

55 Ibid., Aug. 28, 1891, Vol. 3, c. 4635.

56 Ibid., c. 4636.

57 Ibid.

58 Ibid., Feb. 17, 1896, Vol. 1, c. 1882.



This could be accomplished, in his view, only by large-scale, government-sponsored immigration programmes and not by the "stray efforts made by charitable associations, and the scanty efforts that can be made on the small sums hitherto voted by Parliament."<sup>59</sup>

Yet in the popular mind it was the tariff which was the embodiment of the National Policy, and it is in his discussions of the various aspects of the tariff that Davin's concept of emerging Canadian nationalism is most clearly revealed. While he was essentially a protectionist, he was becoming much less doctrinaire in tariff matters than he had been in earlier sessions. He argued that the National Policy "was made for the country and not the country for the National Policy,"<sup>60</sup> and the protectionist must therefore seek an ideal tariff.

There must be a tariff [he said later], moving along the ridge of which you will give that protection to native industries which will foster them and keep them healthy, and at the same time protect the people from the grasping policy of the manufacturer, protect the people from being mulcted in the goods they buy and being made to pay more for them than they ought.<sup>61</sup>

In Davin's view a protective tariff should not be designed to protect special groups, but to protect the country as a whole, and he claimed

that any view that stops short of regarding this country as an organic whole ... that looks to the benefit of any single member of that organism as against the rest, takes a narrower view than is consistent with even local wisdom, above all, consistent with patriotism to the country in which he happens to live.<sup>62</sup>

Consequently, the tariff required constant adjustment; "like every other

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59 Ibid., c. 1874.

60 Ibid., Feb. 8, 1893, c. 464.

61 Ibid., Feb. 13, 1893, c. 613.

62 Ibid., Apr. 2, 1894, Vol. 1, c. 536.



good thing, [the tariff] requires to be constantly watched and regulated in order that it shall be in accordance with the needs of the community."<sup>63</sup> Such attention and regulation, such adjustment and alteration, resulted in what Davin described as "scientific protection."<sup>64</sup>

He found, however, that the gospel of "scientific protection" was not easily understood by the uninitiated, and his opening remarks in moving a motion for the abolition of duties on agricultural implements point to some of the difficulties he experienced.

... I fear that many hon. gentlemen in this House and out of it find it difficult to understand the discussions which sometimes arise in connection with the tariff. The average political mind seems equal to the task of understanding the politician who will vote for a protective tariff without any modification whatever, or the politician who says he is opposed to protection and will vote against any form of protective tariff. But the man who says: I am in favour of protection and, under certain circumstances, protection may mean the abolition of all duties whatever, is not understood. For, what is the object of all protection? The real object of all protection is not to protect the manufacturers, but to protect the country itself. If the main object of protection was to protect manufacturers without any consideration for the country at large, why that protection, by the very statement of the formula of it, is condemned as iniquitous. And so the protective tariff must be framed to so affect the industries of the country as to bring the greatest possible advantages to the country itself.<sup>65</sup>

He pursued this argument of the national well-being in his criticism of the tariff policies proposed by the Liberal party, and he suggested that when Liberals "talk in this vague way about free trade they are

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63 Ibid., Jan. 27, 1896, Vol. 1, c. 680.

64 Ibid., c. 679.

65 Ibid., Feb. 29, 1896, Vol. 1, cc. 850-51.



simply talking to please the ears and deceive the judgment of the people."<sup>66</sup>

He charged that their progress from unrestricted reciprocity to commercial union was a "depraved line" which would end with annexation,<sup>67</sup> and he demonstrated this point with one of his most colourful analogies:

A commercial unionist may deceive himself, and he may think himself loyal, that he could not be a traitor. Natural history brings us into acquaintance with a very interesting animal, the tadpole. It is not a fish, yet it dare not venture on dry land, but the microscope will reveal rudiments of legs -- of legs to be. It does not require a very powerful political microscopic examination of a commercial unionist to find the rudiments of those feet that would lead him across the line. In fact, and I do not mean to be offensive, your commercial unionist is a tadpole traitor.<sup>68</sup>

Davin's performance in the House when tariff issues were raised show something of the difficulties his colleagues must have experienced in recognizing the consistency of a "scientific protectionist." In 1891, for example, he is to be found arguing against the removal of the duty on binder twine, since the Canadian industry would immediately be swallowed up by an American monopoly.<sup>69</sup> A year later, however, and on various occasions subsequent to that, he was to be found supporting the removal of the duty on twine and certain other products required in agriculture.<sup>70</sup> Davin of course argued that circumstances had changed, that protection of these commodities had served its purpose, since the industries were not only able to stand on their own feet, but to monopolize the market in the process. It should be added, however, that Davin

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<sup>66</sup> Ibid., July 6, 1891, Vol. 1, c. 1821.

<sup>67</sup> Ibid., Mar. 29, 1892, Vol. 1, c. 656.

<sup>68</sup> Ibid., June 2, 1891, Vol. 1, c. 652.

<sup>69</sup> Ibid., July 6, 1891, Vol. 1, cc. 1821-24.

<sup>70</sup> Ibid., Mar. 28, 1892, Vol. 1, c. 544 ff. See also for example ibid., Feb. 1, 1893, c. 159 ff.



was quite likely fully aware of the revenue-tariff policies of the rapidly growing Order of the Patrons of Industry,<sup>71</sup> and the increasing farm population in his constituency undoubtedly commanded his detailed attention to the peculiar relationship between the tariff and the agricultural industry.

It would, however, have been unlike Davin to overlook the cultural aspects of a tariff policy. He rose in 1893 to suggest that books less than twenty years old should be admitted duty free, for the duty worked a hardship on young classicists who must have available to them the most up-to-date classical criticism. By contrast, he argued that works of art, which then were admitted duty-free, could very well be taxed, for, he pointed out, "it is one of the most beautiful results of the increase of wealth, that as a man's balance at his banker's increases, his aesthetic perception of higher art increases accordingly."<sup>72</sup> It was men such as Sir Donald Smith who sat for Montreal West who could afford to pay duty on their pictures, not the poor classical students who should be charged duty on their text books.<sup>73</sup>

Other matters of national interest if not of National Policy attracted Davin's attention during this period, the most interesting of which is the motion he moved on May 8, 1895:

That in the opinion of this House, the privilege of voting for candidates for membership thereof should be extended to women possessing the

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71 For an account of the Patron movement see Louis Aubrey Wood, A History of Farmers' Movements in Canada, (Toronto, 1924), Chapters 10 to 13.

72 HCD, Mar. 28, 1893, c. 3258.

73 Davin made his point. The duty on university books was removed the following year. See HCD, Apr. 2, 1894, Vol. 1, cc. 532-33.



qualifications which now entitle men to the electoral franchise.<sup>74</sup>

He demonstrated the fitness of women for politics by reminding the House of the great women of history who had had immeasurable influence in political matters: the reigning Queen Victoria, Queen Elizabeth, Mary of Scots, (whom he described as "a woman of great genius as well as of great beauty"), Margaret of Austria, the Duchess d'Angoulême (whom Napoleon described, according to Davin, as "the only man the Bourbons had produced"), Catherine of Russia, Maria Theresa and Aspasia.<sup>75</sup> If women such as these could discharge the highest political functions, why, he argued, could not other women be trusted with the smallest duty in the political sphere -- voting? And he reminded the members that "we are not to judge them by an ideal standard. We must compare them with the men who vote at the present time ...."<sup>76</sup> Davin was followed in debate by Laurier who, while not personally objecting to the general terms of Davin's motion, moved an amendment which appeared to be designed to satisfy his Gallic conscience and his Reform principles: "... the question [he moved] ... like other questions concerning the suffrage, more properly belongs to provincial jurisdiction."<sup>77</sup> Laurier's amendment and Davin's motion were both voted down and the question of female suffrage was left to a later generation of politicians. In the course of this debate, Davin, full of good humour, had acknowledged that marriage might be a means "of extending the franchise to the ladies, but,"

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<sup>74</sup> HCD, May 8, 1895, Vol. 1, c. 701.

<sup>75</sup> Ibid., cc. 704-5.

<sup>76</sup> Ibid., c. 705.

<sup>77</sup> Ibid., c. 719.



he added, "it is one that has not yet had my practical support."<sup>78</sup> His friends must therefore have been caught completely off guard when less than three months later, on July 25, 1895, he married Eliza Jane Reid of Ottawa. His bride was the second of three daughters of James Reid, a shoemaker, and Sarah Alexander. She had been born in Aylwin, Quebec, and educated at the Sacred Heart Convent in Ottawa, and at the time of her marriage was twenty-one years old.<sup>79</sup>

If the debate on Davin's motion for votes for women was the occasion for a certain jocular good humour in the House, there were other occasions when Davin himself was the butt of a more barbed humour. He was once called upon to address an audience somewhere in Grey County, Ontario, and in common with many speakers had left a copy of his speech with the Ottawa Citizen. Unfortunately, a blizzard prevented the arrival of the speaker, the meeting was cancelled, and Davin telegraphed the Citizen the ambiguous instructions to "let the speech go," instructions by which the author intended to convey the cancellation of the speech, but which were interpreted by the editor as meaning to go ahead with it. When the undelivered speech appeared in the press the next morning it caused

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78 Ibid., c. 701.

79 See Marriage of Nicholas Flood Davin and Eliza Jane Reid, Office of the Registrar General of Ontario, Information extracted for Genealogy, dated June 23, 1971. However, Henry James Morgan, Types of Canadian Women, (Toronto, 1903), Vol. 1, p.75, shows Mrs. Davin's date of birth as June 13, 1865. The Ottawa City Directory, 1895-96, has two entries for a James Reid: one at 157 Gloucester is shown as a shoemaker; the other, James H. Reid, at 109 Queen St., West, is described as a labourer. In Mrs. Davin's copy of Davin's Strathcona Horse, (Ottawa, 1900), in AS, the Gloucester Street address is pencilled on the inside cover under the name of Graham B. Reid, one of Mrs. Davin's three brothers.



some embarrassment, but the error could easily have been explained away were it not for the fact that the paper had printed the speech as received from Davin, interlarded with such stage directions as "Cheers & Applause" at appropriate intervals, and "studded with questions to which the speaker had responded 'with ready wit.'" Nor was this to be the end of it for the unlucky Davin, for the Liberal member for a neighbouring constituency was not long in unveiling the faux pas, and he took particular pleasure in drawing "the attention of the House to the utterances of the member for West Assiniboia as reported in the Ottawa Citizen."<sup>80</sup>

There had been more sombre moments. Sir John A. Macdonald died on June 6, 1891, and the House paid its moving tribute to him the following Monday. Sir Hector Langevin and Wilfrid Laurier both spoke with sincerity and elegance, and then Nicholas Flood Davin rose to say: "I think, Sir, it would be unbecoming, if I may venture to say so, that I should remain silent on this occasion, and that no expression should be given of the way the North-West feels at this supreme hour." He went on to speak of Macdonald's statesmanship, and said:

Ranging over the field of history, and recalling the names of the men who have reached those heights which it takes a lifetime to climb, it is hardly possible to find one who has possessed the diverse qualities of the great man who the other day was leading in this House. You may find great power of intellect, great powers of statesmanship, far-reaching views, great powers of oratory, but where will you find, conjoined with all these, that incomparable, that genial humour, that politeness which never fails, that delicate consideration for the feelings of others, that exquisite urbanity, that distinguished Sir John Macdonald -- that ever and anon played, the light and shade of a

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<sup>80</sup> Charlesworth, More Candid Chronicles, pp.26-27. I have been unable to locate a report of this in HCD, but there are certain oblique references to Davin's undelivered speech. See for example HCD, Apr. 22, 1895, Vol. 1, c. 133.



rich and abounding nature --

"Le bon sens ironique et la grace qui rit."

He concluded with a quatrain which might well have been of his own composition:

"Dead heroes in marble from memory fade,  
But warm hearts shall weep where thine ashes are laid,  
And earth's proudest priesthoods like phantoms flit by,  
But thou'rt of the priesthood that never can die."<sup>81</sup>

The warmth of Davin's tribute is perhaps a measure of the spell which Macdonald could cast, for relations between the two were not always warm and intimate. Davin respected his leader, and Macdonald had been quite prepared to sustain a faithful servant in times of difficulty, but Macdonald knew his servant well, and he knew that Davin sometimes demanded of him more than he was prepared to give.

By 1893 Davin was tiring of politics. He had been returned twice for Assiniboia West, but he had not had everything his own way in the constituency, and he had almost lost the nomination in 1891. Moreover, he had been passed over for the most obvious cabinet post when Dewdney succeeded White as Minister of the Interior in 1888. Consequently, while giving no public indication of his restlessness, he confessed to Sir John Thompson in 1893 that he was "sick & tired of politics,"<sup>82</sup> and on another occasion, having expressed a strong desire to get out of politics, asked Thompson for the position of Lieutenant Governor of the North-West Territories.

As a North West man who has served the North West,  
who has its confidence, who has served the Conserva-  
tive Party, who has served you ... who has done some  
service in the House of Commons, I think my claims  
overtop those of all others -- This is the first

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<sup>81</sup> HCD, June 8, 1891, Vol. 1, cc. 887-88.

<sup>82</sup> Davin to Thompson, May 19, 1893, PAC, Thompson Papers, Photocopy in AS.



time I ever asked anything for myself -- but it is not a very objectionable request when I add that I shall not be in the least annoyed or disappointed if you refuse -- perhaps as well or better pleased by "no" as "yes" ....<sup>83</sup>

Davin was not appointed Lieutenant Governor of the North-West Territories, and while Thompson's reasons for rejecting the request are not a matter of record, it is difficult to imagine a man of Davin's volatile nature occupying the vice-regal throne in the Territories or anywhere else. On the other hand, had a Conservative government been inclined to recognize Davin's service to party, Parliament and the North-West, a senatorship would not have been an unsuitable reward, and there is no doubt that Davin would have become an ornament in the second chamber. However, there is no record that he ever requested or was considered for this honour. Whatever the reasons, and however valid they may have been, this apparent repeated rejection by the Conservative leadership contributed to his growing sense of frustration. Nevertheless, there were stirring times still ahead for "the Honourable Member for the Wild West."

The breakers of religious controversy crashed ominously again in the House of Commons in 1894 when Israel Tarte, Liberal member for the Quebec constituency of L'Islet, moved a motion for papers respecting school ordinance number twenty-two passed by the Legislative Assembly of the North-West Territories during the session of 1892. The North-West Territories Act, 1875, had acknowledged the right of a Protestant or Roman Catholic minority in any school district to establish a separate school. The first territorial ordinance respecting education, passed in 1884, had placed the administration of schools in the Territories under a Board of Education chaired by the Lieutenant Governor and operating in two

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<sup>83</sup> Ibid., May 25, 1893.



sections, one Protestant, the other Roman Catholic. This dual system of education was eliminated by the ordinance of 1892 which replaced the Board of Education by a Council of Public Instruction consisting of the Lieutenant Governor and his executive committee plus four non-voting advisory members two of whom were to be Protestant and two Roman Catholic. The result of this was, as a modern authority has pointed out, that the

management of the schools had been virtually taken over by the State. The Council of Public Instruction assumed control of the administration of all schools in receipt of public funds, public and separate, in the matter of inspection, the certification of teachers, and the authorizing of textbooks.<sup>84</sup>

The Roman Catholic hierarchy had approached the federal government in 1893 seeking the disallowance or amendment of this ordinance, but the federal government refused to take action and the territorial Assembly, to whom the hierarchy had turned at the suggestion of Ottawa, proved to be similarly intransigent.<sup>85</sup> Thus Tarte's motion brought the matter to the attention of the House of Commons where Davin, as a Member of Parliament and as a representative of the North-West, was again obliged to embark upon these controversial waters. At the conclusion of Tarte's speech in which he made the rather loosely documented claim that separate schools in the North-West had been "abolished" by the school ordinance of 1892,<sup>86</sup> Davin rose, not "to oppose this motion, but to relieve the

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84 C.B. Sissons, Church & State in Canadian Education, (Toronto, 1959), p.257. See also Walter C. Murray, "History of Education in Saskatchewan," Canada and Its Provinces, Adam Shortt and Arthur G. Doughty, Editors, 23 vols., (Toronto, 1914-17), Vol. 20, Pt. 2, pp.451-74.

85 Sissons, op.cit., p.257.

86 HCD, Mar. 21, 1894, Vol. 1, cc. 159-73.



overwrought feelings of this House."<sup>87</sup> He characterized Tarte's speech as "a vocal scrap-book,"<sup>88</sup> and he charged Tarte with having "failed to state the issue or the grievances which require remedy."<sup>89</sup> Davin spoke, as he said,

with some earnestness on this subject, and for this reason: I say that it is more than one's patience can very well endure, to sit here, as I have for years past ... and hear hon. members, who know absolutely nothing of the North-west, speaking as though this or that section were being trampled under foot.<sup>90</sup>

While admitting that he had heard one or two complaints about the regulations made under the ordinance of 1892, he stated that he had not heard complaints about the enactment itself, and he cautioned the House

... that there never was a more mistaken course taken by anyone who is a friend of separate schools, than the course of objecting to the state of things that exists at present. If you agitate it the result will be that a sentiment, partly provincial -- and I won't say that there is not another sentiment of a warmer character than provincial -- might be raised, and the results would be inimical to the very cause my hon. friend has at heart.<sup>91</sup>

Indeed, he pointed out that the extremists on both sides of these racial and religious issues suffered very serious hallucinations with respect to the North-West, and in a comment applying to both the Tartes and the McCarthys, he said: "The bee buzzes as loudly and nonsensically in the head of my hon. friend as he buzzes in the heads of others."<sup>92</sup>

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87 Ibid., c. 173.

88 Ibid.

89 Ibid., c. 174.

90 Ibid., c. 175.

91 Ibid., c. 179.

92 Ibid.



When the House resumed debate on this motion on April 18, Davin reiterated his warning that should the school ordinance be disallowed or should the federal government prevail upon the territorial Assembly to amend or rescind the ordinance, "an agitation dead against all separate schools in the territory"<sup>93</sup> would result.

There is not a part of Canada at the present minute where the breath of fanaticism is so mild as it is in the North-west Territories; [he said] and it is only such agitation as this that can disturb us by those religious passions that unfortunately have disturbed other provinces, and are fraught with so much evil.<sup>94</sup>

Still, he argued:

I do not care whether he claims for a Protestant, a Catholic, or a Hindoo. I do not care whether it is for a worshipper of Buddha or a Christian; if justice is what [Tarte] claims ... he will find me with him.<sup>95</sup>

Yet where did justice lie in this issue? Or, more properly, where did Davin conceive it to lie?

There was not, as he saw it, "a scintilla of evidence that any rights of the Catholics whatever have been interfered with,"<sup>96</sup> and he took some time to explain in detail the legal and administrative changes that had been effected by the school ordinance which had simply eliminated a dual system of education, and this to him, and he was a "pretty liberal man,"<sup>97</sup> was a commendable reform, for, he argued, if one admits the necessity of a dual system of education,

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93 Ibid., Apr. 18, 1894, Vol. 1, c. 1608.

94 Ibid., c. 1629.

95 Ibid., c. 1605.

96 Ibid., c. 1630.

97 Ibid.



Logically, this is the position you will be landed in, and you cannot escape from it -- that from one point of view, one set of teachers, one set of machinery, one set of scholars must all be wrong on one or two or three great subjects; you would pour out a stream of men, with false ideas on history, false ideas on science, false ideas on philosophy, literature, sociology; educated without being enlightened. You would be producing, if you look at the matter from the Catholic standpoint, bigots with the germs of religious hatred in their breasts, or, looked at from the other standpoint, laymen with the spirit of ecclesiastics.<sup>98</sup>

While Davin reminded the House that the point at issue was not secular versus religious education, or the merits of separate or public or Protestant or Catholic schools, but simply whether or not the ordinance of 1892 and the regulations made thereunder had swept away the separate schools in the North-West Territories, he could not refrain from injecting into the debate some of his own views on education. Had the House been debating the advantages of a religious or secular education, Davin suggested, "I do not know but he would find me -- probably I have been born out of due time, and am a belated man -- standing side by side with those who believe that the best education is that which is shot through and through with religious teaching."<sup>99</sup> And he went on:

The great men have come ... from a system where ... those facts that bear so powerfully on the moral nature and the reverence of the man, that tend to give him a true intellectual perspective, that enable him to see at once how great he may be and how small, as compared with other essences in the universe, he is -- that give him the idea of order, and enable him, whether he be educated in a democracy, a kingdom, or an empire, but especially in a democracy, to escape from the dwarfing influences of that 'plani aequori campi' -- that barren waste

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98 Ibid., c. 1631.

99 Ibid., c. 1605.



where every molehill exalts itself as a mountain,  
and every thistle waves itself as a forest tree.<sup>100</sup>

The political overtones of this debate did not escape Davin, nor did they deter him from expressing his opinion on education generally, and particularly on the separate school system in the Territories. Still one detects a note of regret that the rewards for liberality are seldom paid in political currency:

I have suffered politically for my liberality on such questions, [he said] because after all, I belong to the west, and I am an Ontario man, and nobody could be as liberal as I have been without exciting suspicion, however unfounded, and losing support which naturally belongs to me as a Protestant holding definite opinions on dogma.<sup>101</sup>

Nevertheless, Davin had taken his stand on the issue and performed his duty in advising the House of the state of affairs in the North-West as he, a North-West member, understood it, and he concluded:

The only object I can possibly have is to force the truth on the people of Canada and on this House, because if this speech can have any effect in regard to my political position, it must be to injure me, that is, if there be that kind of power which is represented by certain remarks which I see here and there .... My only object must be that this House, so far as my poor testimony and my poor means of discussing a question go, shall be possessed of the truth.<sup>102</sup>

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100 Ibid., c. 1606. See also Chapter 2 above and cf. with Mr. Robert Lowe in debate on The Representation of the People Bill at Westminster as reported in Hansard's Debates May 31, 1866, Vol. 183, c. 1650: "Democracy you might have at any time. Night and day the gate is open that leads to that bare and level plain, where every ant's nest is a mountain and every thistle a forest tree."

101 HCD, Apr. 18, 1894, Vol. 1, c. 1609.

102 Ibid., c. 1632.



He did not object to men fighting hard when they fought for political principles or party issues, and indeed he reminded the members that the English House of Commons had been described by a French spectator as a place where the rhetorical blows dealt out

were like these men dealt each other in battle, or on the sea in the old days, when yard was locked in yard and gunlip kissing gun. I do not object to all that, [he continued] but there is a limit beyond which party strife should not go. And that limit is passed when men will excite racial or religious passions on groundless grievances, stirring up hatreds that may imperil the welfare or progress of a province, or even of the whole Dominion -- and doing it for the paltry purpose of trying to snatch a party victory.<sup>103</sup>

In view of the tenor of Canadian politics at this period when the country generally and the Conservative party particularly sorely missed Macdonald's skilful welding of a Protestant Ontario and a Roman Catholic Quebec, Davin's concluding plea is of considerable significance. He did not ask the House to support his position; he did not plead for public or separate or secular or religious schools; he did not contend for Ordinance 22; nor did he even suggest that the matter should be kept out of the political arena. Rather, he asked simply that members "make themselves masters of the facts" before discussing the question "in print or on the platform":

And if they do make themselves masters of the facts, [he continued] I care not how vigorously they fight, if they remember this, that in all our party struggles we should bear in mind that while we may be strong party men, we should be lovers of truth and patriots above all else.<sup>104</sup>

The House debated the territorial separate school issue again in the 1894 session when McCarthy moved an amendment to the motion for third reading of a bill to amend The North-West Territories Act. His

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<sup>103</sup> Ibid., c. 1634.

<sup>104</sup> Ibid.



amendment was designed to give the territorial Assembly full control of education in the Territories and consequently the power of deciding whether or not separate schools could be established, and he based his argument on the constitutional provision that education was a provincial rather than a federal matter. A subamendment was moved by Mr. S. Hughes (North Victoria) which would have prevented the territorial Assembly from establishing separate schools, but when the House divided on the subamendment only Hughes and McDonald from Assiniboia East voted in its favour.<sup>105</sup> Davin rose later to remind the House that they were not voting on the separate school issue, but as to whether or not the powers of the territorial Assembly should be enlarged; "That is the sole question, [he said] and voting on that question I shall vote in favour of enlarging the powers of the Assembly."<sup>106</sup> Nevertheless, he had spoken at some length on the question of separate schools, and had expressed his opinion that it was "far safer for the existence of the separate schools" for the control of education to be in the hands of the territorial Assembly than to deprive the Assembly of that control,<sup>107</sup> and he reasoned that there did not exist in the Territories

any such feeling against separate schools as there is against being deprived of the power to which they believe they are entitled according to the spirit of the British North America Act.<sup>108</sup>

Davin was referring to the fact that under the constitution education was

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105 Ibid., July 16, 1894, Vol. 2, c. 6080 ff.

106 Ibid., c. 6143.

107 Ibid., c. 6140.

108 Ibid.



a matter for provincial jurisdiction, but the proviso preventing interference with the rights enjoyed by a religious minority at the time of union was regarded as a restriction of provincial control over education amounting almost to a deprivation of a constitutional power. He took the position that a provincial or territorial Assembly exercising complete control over education would be much more likely to deal justly with a religious minority than if justice were forced on them by an outside authority. Yet there was room to question this assertion that separate schools would be safe in the hands of the territorial Assembly, for the supporters of separate schools had before them at this very moment the Manitoba example with all its constitutional complexities and legal niceties, and Davin did not indicate in just what manner the temper of the Territories differed from that of Manitoba on the separate school issue.

Davin spoke too on his own concept of education, and in opposing Hughes' subamendment he said: "The Territories do not want to be told that they must have a certain description of education, one that does not teach them anything about God but simply questions of duty between man and man,"<sup>109</sup> and he went on to suggest that

... if real religious education is given by either [Protestant or Catholic separate schools], side by side with a good secular education, I would infinitely prefer it for myself, or for any relative in whom I was concerned, to a mere secular education. I cannot ... understand how any of the great questions that a man of any education has to grapple with, can be met without facing at every step the propositions of religion. You cannot climb the starry spiral of science without on every stair being confronted with the great postulates of religion. You cannot have a thorough education, in my opinion, without its having been also a religious education.<sup>110</sup>

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109 Ibid., c. 6141.

110 Ibid.



Having thus declared his own personal views on religious education, he then felt it necessary to explain why he was in favour of handing over to the Legislative Assembly of the North-West Territories the complete power of dealing with the educational question:

I will tell you, Sir: [he said] We live in an age of wide suffrage; we live in a democratic community; we live in a time when the people rule; we live in a time when the majority is sacred, and when vox populi is actually vox dei. I do not say I would have preferred to live in another age, but finding myself in such a time I must live up to it. I live in a country and at a time when these things prevail, and I represent a constituency to whose opinions I am bound to pay some attention.<sup>111</sup>

The comment gives a slight indication that Davin was not quite so sure of his grounds in claiming that the temper of the Territories was opposed to the abolition of separate schools. It is worth noting too, particularly in the light of later events, that Davin felt "bound to pay some attention" to the opinions of his constituents, but it is significant that he did not say he was bound to act in accordance with those opinions.

Thus these two debates on the separate school question show Davin in a rather interesting light. He is seen here not only arguing for justice as he had done on other occasions, not only interpreting to the House a state of affairs which existed in the North-West as a North-West member might reasonably be expected to do, not only appealing to the House to act on the basis of fact rather than prejudice as would seem natural in a man who took some pride in his own intellectual accomplishments, but also introducing a fresh breeze of liberality not commonly associated with discussions of education in Canada. Davin was not wedded to the Canadian assumption that education was an either-or proposition, an alternative between state-controlled, secular schools

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<sup>111</sup> Ibid., cc. 6141-42.



on the one hand, or church-controlled, religious schools on the other. Education to him could never be the private preserve of the theologian or the mere moralist, and attempts to make it one or the other deprived it of its objective -- the enlightenment of mankind. Yet could this dispassionate analysis, this asceptic sense of justice be expected to appeal to those Protestants who regarded Roman Catholicism not as a religious faith, but as a papal conspiracy? Or could it, for that matter, appeal to a Quebec Catholicism which, while prepared to accommodate itself to a vigorous Anglo-Saxon majority, remained convinced, nevertheless, that the Protestants of that majority were still heretics, and even the faithful amongst them somewhat less than civilized? Could Davin really explain to the members of the House as well as the electorate the intellectual consistency of his opposition to the disallowance of both The Jesuits' Estates Act and the North-West Territories school ordinance of 1892, or how he could vote against McCarthy's proposal to repeal the "dual language" clause of The North-West Territories Act, and in the same session stand with McCarthy in urging that the Territories should have complete control of education? Yet this was Davin's dilemma; this was the dilemma of the poet in politics.



## CHAPTER IX

### A MATTER OF CONSCIENCE

Davin made his final passage through the shoaling waters of racial and religious controversy in the great debate on the Manitoba School Question, and on this occasion the tides ran even more fiercely, since the issue involved not merely the school system of Manitoba, but as well it brought the ambitions of a British and Protestant Ontario to possess the West into conflict with the "counter-claim of Quebec that the West should be the dual heritage of French and English."<sup>1</sup> It was thus inevitable that the Manitoba School Question should become a national issue, that the currents of controversy should lead into the main channel of Canadian life, and that the navigator making his passage through that channel should be beset by the strong on-shore winds of provincial rights. The dispute was but another phase in that unresolved conflict of race and creed amplified by the bigotry of a militant Orangism on one side and an ultramontane clericalism on the other which had most recently manifested itself in those controversies over the "dual language" and separate schools in the North-West Territories. It began with the passage of The Manitoba School Act of 1890 which established a national school system in the province and abolished any form of publicly supported denominational schools.. The Roman Catholic hierarchy moved against the Act by both a petition for disallowance and by litigation. The former was withdrawn and the latter delayed until after the election of 1891, and late in that year "the Manitoba School Question began its

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1 W.L. Morton, Manitoba: A History, (Toronto, 1957), p.245.



tortuous progress through the courts."<sup>2</sup> On July 30, 1892, the Judicial Committee of the Privy Council handed down its decision which in effect declared the School Act to be intra vires thereby reversing the decision of the Supreme Court of Canada and upholding the judgement of the Manitoba courts.

Thereupon, the Roman Catholic minority sought a remedy under section 93 of The British North America Act which provided that a minority deprived of educational rights enjoyed at the time of union might appeal to the Governor General in Council and ultimately, if necessary, to the Parliament of Canada for a remedy. The question of whether or not such an appeal lay with the Governor General in Council under these circumstances was referred by the federal government to the Supreme Court whose judgement, rendered in February of 1894, held that such an appeal did not lie. This judgement, however, was also reversed by the Judicial Committee of the Privy Council in a decision rendered on January 29, 1895, and, in Morton's phrase, the Judicial Committee had thus twice "returned to the government the poisoned chalice of the dreaded obligation to deal with the Manitoba School Question."<sup>3</sup> In February of that year the Governor General in Council heard the appeal of the Roman Catholic minority, and on March 21 issued a remedial order to the Manitoba government directing the province to restore to the minority their right to denominational schools, a proportionate share of the school grants and an exemption from taxation for the public school system. Greenway, the Manitoba Premier, supported by a resolution of the Manitoba

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<sup>2</sup> Ibid., p.250.

<sup>3</sup> Ibid., p.270.



legislature, refused.<sup>4</sup> Failing the success of further negotiations, the federal government thus had no alternative but to introduce remedial legislation in the Dominion Parliament.

Judging by the attitude of the territorial press, the population of the Territories followed these developments with interest, but it was readily apparent to the settlers that, as Laurier's biographer later expressed it:

The school was merely the arena where religious gladiators displayed their powers, an occasion for stirring the religious convictions and religious prejudices of thousands and of demonstrating how little either their education or their religion had done to make them tolerant citizens.<sup>5</sup>

The Edmonton Bulletin suggested in 1891 that since Manitoba had been the battleground upon which both Ontario and Quebec had struggled for twenty years to re-create their respective religions and cultures, Macdonald had called the election earlier than had been expected so that the government might avoid committing itself on the Manitoba School Question during the campaign and the Conservative party could continue to rely on support from both Ontario and Quebec.<sup>6</sup> Still, territorial sympathies from the beginning tended to favour the Manitoba government, and the Supreme Court decision against the constitutionality of the School Act was reported by the Saskatchewan Herald as "a bad blow."<sup>7</sup> Moreover, it is also apparent

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4 For other accounts of these events see Sissons, Church & State in Canadian Education, pp.180-95, and S.E. Lang, "History of Education in Manitoba," Canada and Its Provinces, Vol. 20, Pt. 2, pp.417-47.

5 O.D. Skelton, Life and Letters of Sir Wilfrid Laurier, 2 vols., (Toronto, 1921), Vol. 1, p.441.

6 Edmonton Bulletin, Feb. 7, 1891, "The Elections." W.L. Morton, Manitoba: A History, p.250, says that Taché "was persuaded to withhold an appeal to the courts until after the election of 1891."

7 Saskatchewan Herald (Battleford), Nov. 6, 1891, "Manitoba School Act."



that from the outset the territorial population regarded the question of provincial rights to be as much at issue as any question of the rights of minorities. The Saskatchewan Herald made this point very clear: "The politician who proposes to restrict the liberties of a province is simply working his own destruction."<sup>8</sup>

At the same time, of course, the religious elements in the dispute were not ignored, and as the prolonged debate reached its ultimate climax the Regina Standard expressed the somewhat aggressive attitude of the extreme Protestants:

Let all loyal Canadians, irrespective of party, take advantage of their golden opportunity to crush the power of political Romanism in our New Dominion. To grant separate schools would be to establish by law a state church which arrogates to itself all power in heaven and on earth, and claims to hold on its possession the keys of gehenna. Like the warriors of Londonderry 200 years ago, let us be deaf to all compromise and like them let our watchword be NO SURRENDER.<sup>9</sup>

But the Standard was not typical of even those few territorial papers which commented at any length on the school question. The complexities and dangers of the situation were noted by the Regina Leader:

This is a most momentous matter because the question before the minds of the lawyers and the appellants is not the question before the popular mind and it is impossible to get the popular mind to go into this question as a cold matter of law. The question before the great mass on one side is -- are we to be tyrannically deprived of certain rights? The question before the other is -- are we to be tyrannically bossed and dominated? These are not the technical questions but we say these are the questions, inflammable and dangerous, that are in the popular mind, and no legal argument can tone these down or mitigate

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<sup>8</sup> Ibid., Nov. 4, 1892.

<sup>9</sup> Standard (Regina), Mar. 7, 1895, "Remedial Legislation." See also ibid., Mar. 28, 1895, "That Order," and ibid., Apr. 4, 1895, "The Dose is too Strong," and "The Destiny of Canada Depends On It."



the heat and it may be, the fury of the flames. Why not, as one of the clergy has suggested, find whether some solution is not possible that would be acceptable to all and consistent with the preservation intact of the National System.<sup>10</sup>

After explaining in detail the legal aspects of the remedial order, the editorial concluded that "from a legal standpoint the Council had no other course than the course it has taken; but speaking as statesmen we hope Mr. Greenway's Government may be allowed to deal with the matter."<sup>11</sup> Elsewhere, the Leader deplored the situation that had developed: "So important, so complex, so hemmed in with conflict and danger, and not one man in a hundred on either side capable of approaching the issues, some so delicate, without passion."<sup>12</sup> Thus, while territorial opinion by 1895 was decidedly opposed to federal interference in the affair,<sup>13</sup> there was also a fervent hope that the long-drawn-out dispute would soon be settled, for in commenting on the probable contents of the remedial bill, the Herald stated: "... it is thought it will be acceptable to the House and to everyone in the country who desires to see the question settled on its merits."<sup>14</sup>

As the dispute has been kept up by eastern agitators, [the editorial concluded], for the people of Manitoba have taken but small part in it, the proposed settlement will restore peace and contentment to the country.<sup>15</sup>

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10 Regina Leader, Apr. 4, 1895, "The School Question."

11 Ibid.

12 Ibid., "Editorial Notes."

13 See for example Regina Leader, Oct. 17, 1895, "Mr. Laurier Behind Torres Vedras," and Saskatchewan Herald (Battleford), June 21, 1895.

14 Saskatchewan Herald (Battleford), Dec. 20, 1895.

15 Ibid.



For the politicians both in office and in opposition the issue was fraught with dangers, and Laurier and his Liberals must have been aware that should the Conservative government succumb to the lethal draught being relentlessly forced upon them, the "poisoned chalice" would as surely be offered to them in turn. True, both parties had their extremists violently committed on one side or the other, but the thoughtful men in both parties were fully cognizant of the difficulties of finding a solution which would fulfil the responsibilities of the federal government under the constitution and recognize and satisfy at the same time the rights of the minority and of the provincial legislature. Thus until the last moment both parties adopted the not-unstatesmanlike attitude of delay and cautious equivocation, for both knew that under the circumstances it was easier, much easier, to expound a solution from an editorial desk or a pulpit than from a seat in Parliament. It is not surprising then, to find that Davin was slow to commit himself to an irrevocable position on the Manitoba School Question, and even the Leader's pronouncements on the issue were at first couched as suggestions and hopes rather than demands. Still, there is no doubt that Davin, who favoured a policy of non-interference, reasoned from the very practical grounds that while The British North America Act may have given the federal government the right to act in such a situation, effective action could be taken only by the government of Manitoba.

In February of 1893, for example, the Leader had suggested that even if the Supreme Court ruled that an appeal from the minority did lie with the Governor General in Council, there was very little the federal government could do to effect a remedy, and therefore, the editor asked:



Is not the manly, straight forward course then the one at once just and respectful to the Roman Catholic hierarchy and just and respectful to the country? If there is no intention of doing anything for them why not say so at once.<sup>16</sup>

A month later, however, in debate in the House of Commons on a motion moved by Tarte which condemned the manner in which the federal government had handled the Manitoba School Question, particularly in referring the matter of the appeal to the courts, Davin defended the action of the government. The motion was ambiguous, he claimed: "Turn [it] one way and it has a Jesuit aspect; turn it the other way and it is all Orange."<sup>17</sup> Still, it was not an idle question, since he welcomed "anything that will tend to dispel the cloud of prejudice ... that hovers over this country and threatens to shed its pestilential dews upon it."<sup>18</sup> He argued that while ninety-five per cent of those who voted for him in the last election might take strong views "in favour of what, on the face of it, would seem to the popular mind, to be advanced by this motion,"<sup>19</sup> and while he had presented several petitions from his constituents who were opposed to interference with the Manitoba schools, he felt that the difference of opinion amongst learned lawyers was "sufficient reason for referring this matter to a tribunal."<sup>20</sup> Again in the following year when the House was debating the North-West school ordinance, Davin had this to say on the position of the Roman Catholic minority in Manitoba:

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16 Regina Leader, Feb. 9, 1893, "The Manitoba School Question."

17 HCD, Mar. 8, 1893, c. 2024.

18 Ibid., c. 2022.

19 Ibid., cc. 2013-14.

20 Ibid., c. 2023.



When the Manitoba school question comes up, if it does come up, I will be quite ready to express my opinion upon it, and that opinion is not very different from that expressed by the late member for Winnipeg (Mr. Macdonald) when he criticized the legislation of the Manitoba Assembly.<sup>21</sup>

Davin was similarly reluctant to commit himself on the hustings to a definite position with respect to this issue, but by 1895 he appeared to have come out in favour of provincial rights and secular schools, although the circumstances of this commitment tend to show that it was made under duress. The Moose Jaw Times reported a political meeting held in Moose Jaw on March 12, 1895, at which, "Being questioned about schools, Davin said he favoured provincial rights and national, non-sectarian schools. (Hitchcock's words)."<sup>22</sup> The significance of the parenthetical addition is clear from a report in the Regina Standard of another meeting held in Regina: "He (Davin) professed himself favourable to national schools, but at Moose Jaw the word non-sectarian had to be put into his mouth."<sup>23</sup> However, the Standard very properly, albeit somewhat vindictively, challenged this "very reluctant assent" in view of Davin's pronouncements in the House of Commons with respect to secular and religious education, and the Standard concluded that Davin did not really believe in secular schools, but had been forced to support them because of their popularity with his constituents.<sup>24</sup> Finally, the Leader sought to make Davin's position clear with the comment: "Mr. Davin's views on [the Manitoba School Question] have long been known, and known

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21 Ibid., Apr. 18, 1894, Vol. 1, c. 1628.

22 Times (Moose Jaw), Mar. 15, 1895, "Now They're At It."

23 Standard (Regina), Mar. 21, 1895, "Very Badly Riddled."

24 Ibid., "Davinian Pledges."



to be in accord with those of his constituents -- for Provincial Rights and Secular Education."<sup>25</sup> However, if this was intended as a general statement of Davin's views on education, the editor was being somewhat less than candid, for Davin in the House of Commons had been anything but a strong supporter of secular education. If, on the other hand, this statement had been intended to apply solely to Manitoba, it could be interpreted to mean that if the province, in exercising its right to control its own educational system, had adopted a policy of secular schools, then Davin favoured that policy not because he believed in secular schools, but because he believed that education was a matter falling solely within provincial jurisdiction. Yet this is speculation; the fact remains that his constituents had good ground for believing in 1895, notwithstanding the valid doubts cast by the Standard, that Davin stood for provincial rights and secular schools and would take a position in Parliament opposed to federal interference in the Manitoba school controversy.

Meanwhile, Davin had rearranged his business commitments, for he found that the combined responsibilities of editor and Member of Parliament were too heavy, and it was difficult to obtain editorial assistance during his long absences in Ottawa. Consequently, he entered into negotiations with Walter Scott,<sup>26</sup> a former Leader employee, and the sale of the Leader to Scott was concluded on August 22, 1895. The agreement

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25 Regina Leader, Mar. 21, 1895, "The Meeting on Saturday."

26 Walter Scott had come to Regina in 1886 from Portage la Prairie where he had been employed by C.J. Atkinson, and he continued to assist Atkinson on the Regina Journal. When the Standard under McInnis succeeded the Journal in 1891, Scott found employment as mechanical foreman with McInnis, and later became his partner in the enterprise.



committed Scott to support Davin and the Conservative party at least until after the next federal general election, and it permitted Davin to retain control of the first two editorial columns of the Leader for that same period. This resulted in a rather strange editorial situation, for Scott and J.K. McInnis had been partners since 1892 as publishers of the Regina Standard, and in June of 1894, at the instigation of J.H. Ross, Davin's Liberal opponent in 1887, and A. Hitchcock, who was for a short time in 1895 the Liberal candidate in Assiniboia West, Scott had purchased the Moose Jaw Times. In the meantime, McInnis had been nominated as the Patron candidate in Assiniboia West, and Scott was thus in the happy position of having a journalistic relationship with all three political parties.<sup>27</sup> These arrangements were to have a unique influence on Davin's part in the parliamentary debates on the issues arising from the Manitoba School Question and in the subsequent general election.

Whatever doubt there may have been respecting Davin's views on secular schools, there was no such doubt as to his point of view on federal interference with the school legislation of Manitoba. He had made it clear from the platform, through the columns of the Leader and in the House of Commons<sup>28</sup> that he believed the solution to the problem lay with the Manitoba government itself, and it should be noted that this stand was perfectly consistent with the views he had expressed in Parliament on the question of the Jesuits' Estates, the "dual language" in the Territories,

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27 See Drake, "The Territorial Press in the Region of Present-Day Saskatchewan," pp.83-86, and D.H. Bocking, "Premier Walter Scott -- A Study of His Rise to Political Power," unpublished M.A. Thesis, (Saskatoon, 1959), pp.9-17.

28 See HCD, July 17, 1895, Vol. 2, c. 4667 ff.



the territorial school ordinance and McCarthy's proposal to grant complete control of education in the Territories to the territorial Assembly. It should be noted further, however, that while taking this position against federal interference, Davin had not publicly committed himself to oppose a government which proposed to interfere either by a remedial order, which had already been issued, or by remedial legislation which it was anticipated would be introduced at the forthcoming session. Perhaps he did not think it necessary to commit himself on what might be merely a hypothetical question, for in December of 1895 he had written from Winnipeg to Walter Scott, the new owner of the Leader:

You may be quite certain Remedial Legislation will not come before the Dominion Parliament. The School Question has lost its great importance here in Manitoba. Greenway will carry the country. Opposition will not be wholly wiped out. Greenway will settle the School question or deal with it -- will settle it in fact before the new year is very old. As the Leader has always contended the Manitoba Legislature is the only power which should touch it.<sup>29</sup>

Even as late as February 27, 1896, sixteen days after the remedial bill had been introduced, Davin was reporting to Scott that there was "still some idea something will occur to prevent second reading coming off," although by this time he was of the opinion that it would carry.<sup>30</sup>

Davin's letters to Scott in these hectic months, written to provide background material and suggested editorial comment, indicate something of the "excitability of the House,"<sup>31</sup> and it is no wonder the House was excitable, for in early January it was witnessing what might very well have been the disintegration of the Conservative party. Parliament met on January 2, 1896, and the Speech from the Throne forecast the

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29 Davin to Scott, Dec. 30, 1895, AS, Scott Papers.

30 Ibid., Feb. 27, 1896.

31 Ibid., n.d.



introduction of remedial legislation.<sup>32</sup> On January 7, after a long weekend adjournment, Sir Adolphe Caron announced to the House of Commons the resignation of seven Ministers, and two days later the House adjourned again until January 14. Davin could feel "The situation changing here every minute,"<sup>33</sup> and at one stage he predicted "out of [his] own consciousness [that] Bowell will go out -- Tupper come in -- form Govt and after a few days go to the country."<sup>34</sup> The Conservative party did not in fact disintegrate; Tupper's reappearance seemed to breathe new life into the party, and Davin reported: "Make no mistake that Opposition in its present shape cannot win -- Tupper will carry 'a winner' to use the slang of the hour."<sup>35</sup> When the reconstructed ministry was announced in the House on January 15, Davin's comment shows something of the spell Tupper's very name seemed to cast over the party: "... Sir, Macbeth, at the famous feast, when the ghost of Banquo appeared to him, was never so unmanned as was the hon. gentleman [Sir Richard Cartwright] by the spectre of Tupper that rose before him."<sup>36</sup> Still there were doubts. A few days earlier Davin had written to Scott:

Whoever undertakes to reorganize the Cabinet unless he gives a strong government proclaims that the Conservative Party has outlived its usefulness. If old Sir Charles undertakes it & repeats the blunders of Abbott and Thompson he will close in shame & impotence the most successful of colonial political careers. If on the other hand he really gives a vigorous government he will have added enormously to his

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32 HCD, Jan. 2, 1896, Vol. 1, c. 3.

33 Davin to Scott, Jan., n.d., AS, Scott Papers.

34 Ibid., n.d.

35 Ibid., Saturday, n.d.

36 HCD, Jan. 15, 1896, Vol. 1, c. 82.



claims on Canada today & on posterity.<sup>37</sup>

But the touchstone of it all was the Manitoba School Question; "I think you will find [Davin wrote in mid-January] if Tupper weathers the storm of the Schools that he will carry things triumphantly."<sup>38</sup>

The cabinet crisis could have been Davin's long-awaited opportunity for a seat on the treasury benches. He had informed Scott, mistakenly as it proved, that "Perley and Lougheed are both going to be Ministers -- if I am not." He added, again mistakenly, "It is considered certain that Daly is going out -- hence this boldness of speech."<sup>39</sup> It is not clear that Davin was actually offered a portfolio, but he himself reported to Scott: "I told Bowell I cd not go into any Govmt pledged to Remedial Legislation."<sup>40</sup> If Scott knew anything of Davin's ambition, and he undoubtedly did, this refusal of cabinet office was the clearest statement yet of Davin's views on remedial legislation.

One of Davin's most significant comments to Scott was contained in a post script to a letter dated January 25, 1896:

Bear this in mind [he wrote] it is impossible for you or me or anyone else to fight strongly for Manitoba when you know and I know that Greenway's Government was ready to sell out -- perhaps has sold out as it is -- to this Government -- they were on consideration of getting School Lands -- & a number of other things -- to bring forward provincial legislation to satisfy the Catholics. I know nothing of the Remedial Legislation but it may contain a surprise.<sup>41</sup>

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37 Davin to Scott, Jan. 12, 1896, AS, Scott Papers.

38 Ibid., Jan. 24, 1896.

39 Ibid., Saturday, n.d.

40 Ibid., Jan. 25, 1896.

41 Ibid.



If up to this time Davin had resolved to oppose the government on remedial legislation, was his resolve weakening? Or was this perhaps an unconscious rationalization of an instinctive desire to stand by his party in a crisis? It is difficult to know, particularly since it was in this same letter that he reported his inability to join a government pledged to remedial legislation, and also since in this same letter he informed Scott that D.H. Macdowall, the Saskatchewan member, proposed to introduce a bill on the subject which "gives up the principle of non-interference,"<sup>42</sup> a bill which Davin described in "A word of contemptuous blame" as "the bill of a baby. The House of Commons would scorn to pass such a bill."<sup>43</sup> Yet, at the same time he advised Scott:

If I were you I would go very gently for those who come out for interference with Manitoba. It is the declared policy of the Leader not to interfere. What is the use of interfering? If they go far enough to satisfy -- it will be an outrage & impractical if they bring forward a milk & water measure it will satisfy no one."<sup>44</sup>

However, he concluded with the note: "Most -- nay all Conservatives here assume [?] Sir Charles Tupper (Baronet) will carry everything before him."<sup>45</sup> It would seem, then, that the significance of the letter and post script is not that it is an indication of Davin's views one way or the other, but rather that it is indicative of the diversity of interests and issues which beset an individual member who eventually would be expected to declare himself in public. Such a state of mind can be inferred from a later comment: "As to the school question [Davin wrote on February 21] --

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid. The words "very gently" appear in the original as a marginal insert.

<sup>45</sup> Ibid.



the leading men on both sides are quaking about it."<sup>46</sup>

Thus events marched relentlessly on, and when a delegation headed by Sir Donald Smith returned from Manitoba in February having failed to establish any basis for negotiations with the Manitoba government,<sup>47</sup> there was no alternative but to proceed with the remedial bill. On March 3, 1896, Tupper opened debate on the motion for second reading. He stood squarely within the four corners of the constitution, arguing that the Judicial Committee of the Privy Council had ruled unequivocally that a grievance existed with respect to the educational rights of the Roman Catholic minority in Manitoba; he argued further that the constitution provided a means for the redress of such a grievance and that the minority sought to avail themselves of this means of redress. It was not, according to Tupper, a question of denominational schools; it was purely a question of upholding the constitution and thus preserving Confederation. This his government intended to do, and on the rock of the constitution his government and his party intended to stand or fall.<sup>48</sup>

Laurier followed. His position is summarized quite clearly in his peroration:

I know, I acknowledge, that there is in this Government the power to interfere, there is in the Parliament the power to interfere; but that power should not be exercised until all the facts bearing on the case have been investigated and all means of conciliation exhausted. Holding these opinions I move that the Bill be not now read the second time, but that it be read the second time this day six months.<sup>49</sup>

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<sup>46</sup> Ibid., Feb. 21, 1896.

<sup>47</sup> See Sissons, op. cit., p.191.

<sup>48</sup> See HCD, Mar. 3, 1896, Vol. 1, c. 2719 ff.

<sup>49</sup> Ibid., c. 2759.



Laurier's amendment, the six months' hoist, was a standard parliamentary amendment designed not to delay, but to kill the bill, and since the government had already made the measure an issue of confidence, party loyalty was at once a legitimate and necessary consideration for all members. Laurier could have chosen other forms of amendment, for example by moving that a decision be deferred until a parliamentary committee could inquire into the matter, and had he done so the want-of-confidence issue would have been less clear, but in moving as he did he forced the House to decide not only for or against the bill, but for or against the government.

Davin's assessment of Laurier's position is contained in a letter to Scott dated March 5, 1896:

The stand Laurier has taken greatly appeals to my admiration [he wrote]. It is a pity he did not take it until he was forced. Still it is a noble stand for a French Canadian Catholic to take -- of course his speech and Geoffrion's show that he is not where you & I stand -- namely absolutely against interference with Manitoba. The only difference between him & the Government is one of degree.<sup>50</sup>

He continued:

Now the only course open to the Leader in my opinion is something like this -- to welcome Laurier even at the last hour & though half way to the Western view -- But pointing out that those who ask for delay are as much remedial legislationists as those who propose the bill -- The Western view being to let the great prairie province alone, confident that if left alone her Legislature will do justice to the minority.

As for partisan involvement, he commented:

You have no idea of the pressure brought to bear on the Members of the Conservative Party who were opposed to remedial legislation on one ground or another --

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<sup>50</sup> This and succeeding quotations are drawn from Davin to Scott, Mar. 5, 1896, AS, Scott Papers.



He felt that the government's position was improving, but that his "defection" was regarded as a "terrible gap ... in the Conservative artillery."

Someone was needed to have followed Laurier who had raised a splendid but most vulnerable structure someone who could have struck at it before the mortar had hardened -- but there was no man to do that. The last person who came to me ... was Daly. So inviting was the grandiose glittering inconsistency of Laurier's speech that I deeply regretted that on this subject I am so absolutely severed from the Government.

Incidentally, there is also the expression of his dismay at the demands made on the time of a Member of Parliament:

I have not read a single page of a book or paper for amusement since I came up to Ottawa [Davin complained] -- nothing except something bearing on my Parltty work. My wife complains we have so little conversation together. As I once said: -- If you keep yourself abreast the Parltty work here -- it is as treadmill a job as ever man undertook.

The debate was prolonged, and as the inevitable division approached, members hesitated to leave the precincts so that Ministers were to be found with cots set up in their offices and members ensconced in blankets in the committee rooms. Some sought merriment and relaxation to relieve what must have been an incredible tension in the House, and on the night of March 18, in the midst of what was to be a forty-hour sitting, some Conservative members held a "Symposium" in the smoking room at which, so the Conservative Whip reported to the wife of the Governor General, Davin "was called on to give a Blackfoot Dance .... They had a long table with refreshments put up & Mr. Davin wound up his dance by springing on this & jiggling down the centre kicking over bottles & tumblers and plates at every step."<sup>51</sup>

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51 John T. Saywell, Editor, The Canadian Journal of Lady Aberdeen, 1893-1898, (Toronto, 1960), p.330.



This was, of course, but an interlude in the drama taking place in the Chamber, and as the debate wore on, and as speaker followed speaker throughout these days and weeks, Davin's understanding of the issue and of his duty with regard to it had begun to change, so that when he rose to address the House some time before midnight on March 19 he said:

This debate, Sir, is remarkable, perhaps in my experience, unique. It is unique in this. As it proceeded light was so cast upon the issue that new standpoints presented themselves, and the question here today is wholly different from that which has troubled the mind of the country for some twelve months.<sup>52</sup>

The question of whether it was desirable to legislate along the lines of the remedial order had been "ipso facto decided in the negative so far as practical politics goes" the moment the bill had been introduced, but when the Leader of the Opposition moved the six months' hoist rather than an amendment calling for a commission of inquiry, "a wholly different issue and a more complexed issue was presented to the people of Canada, and directly to the members of this House." It was no longer a debate between remedial legislators and anti-remedial legislators, for Laurier, Mills, Martin and "the great bulk of the Liberal party are as much committed to remedial legislation as Sir Mackenzie Bowell or the Secretary of State." The question at issue now was simply one of "etiquette"; the government, "to use the language of the leader of the Opposition, ... did not adopt methods sufficiently sunny." Why then, Davin asked, did Laurier move the six months' hoist "which is a denial of the principle he says he agrees with"?

The crux of Davin's speech is contained in these few sentences:

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52 This and succeeding quotations are drawn from HCD, Mar. 19, 1896, Vol. 2, cc. 4159-65.



Sir, since I have weighed the arguments in this debate, I may tell you -- and I will take you frankly into my confidence -- that I have changed my opinion as to the course I ought to take. I changed my opinion, so as to be decisive as to the action and the course to which duty pointed, only after I heard the speech of my hon. friend for Bothwell (Mr. Mills), and it is, I think, not a weak compliment to pay that hon. gentleman. The speech that I heard from the member for Bothwell (Mr. Mills), clinched whatever influences were at work on my mind, and made it impossible for me to take the course I had determined to take, of resolute opposition at every turn to the policy of the Government in regard to this question. There is the strictly practical question: What is the use of voting against one set of men proposing remedial legislation to let in another set to propose remedial legislation? And there is the question of principle, on which my judgment has been, I say frankly, greatly influenced by the speech of the member for Bothwell (Mr. Mills).

Thus, while he realized that a violent attack on the remedial bill would probably strengthen him in his constituency, he realized also that having come to the conclusion he had, "there was but one course before an honourable man," and since there was "no ground for the anti-remedial legislator to stand on ... a man holding with the general policy of the Government would be false to every instinct of patriotism if he did not express himself at whatever cost, as I have expressed myself here."

Mills' speech, according to Davin, "was one of the closest, one of the best sustained arguments I have ever listened to in my life." The speech was, in fact, a penetrating and elaborate disquisition on the Canadian constitution as it related to the school issue in which Mills had acknowledged the legal and constitutional right to proceed with remedial legislation, but in which he also argued that in political terms the measure was premature before Parliament since the government had not established all the facts and had failed to negotiate earnestly and



honestly with the Province of Manitoba.<sup>53</sup> But, Davin argued, the "lengthy, grandiose, ably sustained" argument "did not hang together" with the conclusion; it was "like a great Corinthian portico, pillar after pillar, crowned with ornate capitals, rising and stretching beautifully away in graceful perspective and stately grandeur, and all ending in -- a rat hole."<sup>54</sup> With respect to provincial rights, Davin continued, Mills had shown that there could be no interference whatsoever, for "as long as the province acts within its provincial powers, it stands unimpairable and impregnable, and can laugh at and defy all Dominion action." It is only when it goes beyond those powers, "when it becomes a trespasser," that Parliament can interfere. "Therefore, that cry of provincial rights is done away with." Then, having denied the necessity of an inquiry into facts that were acknowledged to be already "notorious," and having concurred in Sir Donald Smith's suggestion that unanimous agreement on second reading would render future negotiations "more effective and successful," he concluded with these words:

Sir, let me close as I began. No man can regard it now when we come to vote either on the first or second question, and especially on the question for the six months' hoist -- no man can say now that he is voting as to whether he shall be in the battalion fighting against remedial legislation or fighting for it. The question now is between two bodies of men both in favour of remedial legislation, differing as to when and how; one going at it practically with a measure in their hands, whether they are approved by others or not, but who have taken measures already, and who are on the road to settle it; and others wanting an investigation into facts which, to use their own language, are notorious, and which, if notorious, they do not need an inquiry to investigate. Let us rise for once above the mere

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53 See ibid., Mar. 18, 1896, Vol. 2, cc. 3816-78.

54 This and succeeding quotations are drawn from ibid., Mar. 19, 1896, Vol. 2, cc. 4166-71.



question of using the great subjects of legislation that come to us here as weapons of partisan warfare, and vote on this question as patriots, determined to do our best for Canada.

The tension was released; the long period of indecision was over; Davin was committed. A few hours later he cast his vote against the amendment and for second reading of the remedial bill.

While Davin had directed his course according to his assessment of what was logical and honourable, and in so doing had demonstrated that there was in Parliament, for him at least, something of that "plasticity" which would allow the possibility of minds being influenced and even changed by the process of parliamentary debate, he was also fully aware that there were some who would regard his action as a remarkable reversal of what had been expected of him. Consequently, he wrote a long letter to Walter Scott in explanation of his vote. "You will doubtless have thought," he began, "that strong party feeling overcame my own sentiments. That was not so."<sup>55</sup> He referred again to "Mills' remarkable speech," and to the view that all but a few authorities recognized that a duty had been thrown on Parliament. On the question of federal interference he said: "I am convinced that I was too confident to give the question the study I ought to have done, and Mills' speech convinced me that provincial rights can no more be assailed by this parliament than federal rights by a provincial parliament." In summary he wrote:

Once my convictions on this subject underwent a change, my duty, but certainly not my inclination pointed in one way, because I had everything to lose and nothing to gain by the course I determined to take. I could still have voted against the Bill; but its second reading asserted only the principal [sic] of Remedial redress .... I could have paired with Dr. Montague and so kept my name out of the Division; I could have abstained from voting; I put these courses aside as the suggestions of weakness.

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55 This and succeeding quotations are drawn from Davin to Scott, Mar. 21, 1896, AS, Scott Papers.



In advising Scott of what he ought to do he reminded him that "the Privy Council is part of our constitution," and the constitution should not be defied. "Your view," he continued, "which was mine also of non-interference is only tenable now as an abstract proposition."

In conclusion, he wrote:

Without strong reasons I would not throw away so much. I who told Mackenzie Bowell that under no circumstances could I enter a cabinet pledged to Remedial Legislation .... I have written at great length because I vehemently desire that you should go into this question thoroughly, and I have the certainty what the effect of that will be which is born of my own strong and overwhelming conviction.

The reaction to Davin's vote, in some circles at least, was swift and vigorous. The Regina Standard, predictably, listed Davin with the "seven traitors from Manitoba and the Northwest Territories, who represent (or rather misrepresent) the country ....,"<sup>56</sup> and in the same edition the editor asked:

... how does the conduct of Nicholas Flood Davin, himself an Irishman and an alleged Protestant, contrast with the manliness and courage of him whose price was thirty pieces of silver, and who when he realized the magnitude of his offence, had the decency to hang himself?<sup>57</sup>

The Saskatchewan Herald, on the other hand, while making no specific reference to Davin, said:

Looking at the protracted discussion that has marked the history of this subject, Mr. Bowell seems to be the only one who was really honest in his course. All others trimmed their sails to whatever wind seemed to promise success, or would lead to the overthrow of the Government. For Manitoba schools they cared nothing except

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56 Standard (Regina), Mar. 26, 1896, "Only One Friend."

57 Ibid., Mar. 26, 1896.



as a means of attaining power.<sup>58</sup>

The Regina Leader was "humiliated, chagrined and amazed,"<sup>59</sup> and at the end of a long and critical editorial on the subject indicated that because of Davin's vote it might not be possible for the Leader to support him in the coming election campaign.

However, second reading of the bill did not conclude the debate, for the measure had still to be considered in Committee of the Whole, but since the life of the Seventh Parliament was due to expire in a few short weeks through the efflux of time, the opponents of remedial legislation were in a unique position to employ with effect all the obstructive devices available. Thus, for all practical purposes, debate in committee was futile, but Davin's comments during this stage of the proceedings, as well as his letters to Scott, shed further light on his state of mind with respect to the Manitoba School Question, remedial legislation and the duties of a Member of Parliament.

What is the good [Davin asked Scott] of the estimate of men about my character who with twelve years experience before them jump to a conclusion because in one of the most difficult points of conflicting opinions & duties, I take a course which no man with any authority would dare say was other than constitutional.<sup>60</sup>

In this same letter he indicated that he had not been subjected to coercion in any way; he had made up his own mind on the matter, and indeed, as late as the night previous to the vote, had in effect "voted for Laurier's amendment and against the second reading -- having paired at about 12 o'clock.

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58 Saskatchewan Herald (Battleford), Mar. 20, 1896.

59 Regina Leader, Mar. 26, 1896, "For or Against."

60 Davin to Scott, April 7, 1896, AS, Scott Papers.



p.m."<sup>61</sup> As for the bill itself, aside from the principle of remedial legislation, Davin was of the opinion that "This bill is not worth the paper it is written on unless Greenway cooperates."<sup>62</sup> Finally, on April 18, Davin wrote to Scott in a last attempt to secure a reconciliation, and on this occasion he said:

I of course agree with you that I made a great personal sacrifice in the vote I gave; I was fully conscious of it at the time; but looking at the circumstances of the case from every point of view at the time I felt it my duty; I feel that it was my duty now; although it looks as if on that question I shall have to stand against the policy of the conservative party. But how would it have mended matters from the point of view of carrying out my opinions to have had Mr. Laurier going to the country with Remedial Legislation on his banner? I should be in the same position as I am, differing from both the parties on the subject.<sup>63</sup>

A reconciliation in fact proved impossible of attainment, for Scott remained righteously indignant in the spirit of his "For or Against" editorial. Such righteous indignation, however, is more than a little puzzling coming as it did from Walter Scott who, through his editorial connections with three newspapers gave the impression that he was attempting to ride three political horses at the same time, a feat which was bound to raise questions respecting not only the skill, but the principles of the rider. Scott may have felt that Davin's vote on the remedial bill was a heaven-sent opportunity to escape from the terms of an awkward contract, for in the end, in spite of Davin's attempt to secure

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61 Ibid.

62 Ibid.

63 Ibid., Apr. 18, 1896. The salutation of this letter was "Dear Mr. Scott," rather than the "Dear Scott" which Davin had used previously, and the letter ended with the hope that "perhaps in conversation we may be able to understand each other better."



a reconciliation, a further agreement was drawn up by which Scott was released from his earlier commitment to support Davin and the Conservative party and the Leader was leased to Davin's friends for the period of the election campaign.<sup>64</sup>

In the House of Commons too Davin found it necessary to defend himself against Scott's editorial attack, and he explained to the House that a journalist sitting down to write an article does not have time to weigh all the various factors affecting the judgement of public men. "It is easy to write an article after this fashion," he declared, "and I have done it myself,"<sup>65</sup> but it was a different matter for a Member of Parliament to weigh the consequences of a vote of confidence in his own party when "he agrees as regards nine-tenths of its policy and differs on one-tenth," particularly when, if he votes against his party, "he will assist in placing in power men who on that question hold the same opinions, or even more advanced opinions, than the men he turns out."<sup>66</sup> Furthermore, he argued, "voting for the principle does not pledge you either to a single clause or to the third reading."<sup>67</sup> As for the dual role of Parliament which this issue brought into sharp focus, Davin had this to say:

When we come to deal with this matter here in a practical way we find that this Chamber is not merely the great Consult of the nation but also the great battle ground between two parties, and you have to take into account the course that will be adopted and the use that will be made of the difference of opinion by unscrupulous partisans.<sup>68</sup>

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<sup>64</sup> Bocking, op.cit., p.27.

<sup>65</sup> HCD, Apr. 7, 1896, Vol. 2, c. 5496.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid., c. 5498.

<sup>68</sup> Ibid., c. 5501.



Davin was obviously fully aware of his dilemma, but it was a dilemma which would have been no less serious had the elements been reversed, if he had voted against his party, for on the one hand he was accused of the crime of disloyalty to his constituents, on the other he would have been branded as a traitor to his party. He could do nothing more than make his decision, cast his vote and defend the principles upon which he had acted. This he had done, and he concluded by saying:

... I think the House is entitled from an hon. gentleman to an explanation of his position, if he is placed in the position which would seem to the House to be either inconsistent or unworthy, and the country is also entitled to an explanation of his position. I have ventured to explain my position on the Bill. I have voted for the remedial principle on second reading of the Bill, but with the Bill itself I do not agree.<sup>69</sup>

April 15, 1896, was the last occasion upon which the House considered the remedial bill, and before the committee rose the Honourable J.A. Ouimet, Minister of Public Works, suggested that the Conservative party would fight the forthcoming election under the banner of remedial legislation. Davin replied: "Well, Sir, it would be very inconvenient if that should be the banner under which the Conservative party is to fight, for I shall not be found fighting under that banner."<sup>70</sup> Again he explained the influences which had caused him to vote as he did, influences such as the speeches of Mills and Smith:

but I was also influenced by this consideration, [he continued] that I had acted for twenty years with the gentlemen who compose the Conservative party; and, as I sat here ... and counted seventeen men on that side who voted against the second reading, and there were three men on this side ...

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69 Ibid., c. 5503.

70 Ibid., Apr. 15, 1896, Vol. 2, c. 6471. Several other Conservatives took a similar stand.



who were certain to vote the same way -- making twenty in all, or a difference of forty in the majority, I thought that the Government were beaten; and I turned round and said ... that I had acted with those gentlemen for twenty years, and under these circumstances the man would be dastard who would not stand up and break the wave that came to sweep them away; and I rose and did it. I was greatly influenced by that. I do not say I was wholly influenced by that, for I was not. In all crises like this, one is influenced by several motives.<sup>71</sup>

Finally, he concluded by saying:

But we have come to the end of this matter, and I certainly cannot allow this question to pass from Parliament without saying what my opinion is -- that it is not in the interest of the country or in the best interests of the Conservative party, it is not called for by any grievance commensurate with the remedy applied, that we should produce a Bill of this sort which cannot be implemented, which mocks translation into action; and if you translate it into action you can only do it by forging into the constitution a principle ruinous to the very ends you are immediately aiming at and inimical if not disastrous to Canada itself.

Was Davin hedging? It is difficult to say, but even more difficult to demonstrate that this was a conscious attempt to have the best of both worlds, for he had long ago contended that the Manitoba government was the only authority competent to deal with the matter, and he stood by the principles of his second reading vote to the very end. On the contrary, this stand would appear to be consistent with the essential principles of parliamentary debate, and Davin was saying merely what other politicians have said before and since: I agree with the principle of the measure, but I oppose the method by which the principle is to be applied.

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71 Ibid., c. 6475. Certain government supporters, Davin included, were accommodated on the opposition side of the House.

72 Ibid.



Thus the Manitoba School Question was a decisive event in Davin's political career, for not only did it mark a turning-point in the fortunes of the party which he had supported for two decades, and a turning-point also in the relationships between the two major racial and religious groups which the Grand Old Man of that party had welded into a cohesive political unit for so many years, but in addition, it brought into personal conflict those principles of party and Parliament which had been fundamental to Davin's concept of his role as a member of the House of Commons. Moreover, to a certain extent, it raised again the old non-partisan instincts of the people of the Territories he represented, and in later years Davin might legitimately have contemplated the extent to which his subsequent political career might have been different had he voted against the remedial bill. Yet it remained for the future to write a footnote to these events and to Davin's crossing of his personal Rubicon, for while it was true that Laurier did effect a settlement of this vexed question of Manitoba schools without resorting to coercive measures, it is also true that he was altogether too sanguine in expecting that his "sunny ways" were in themselves sufficient to implement a settlement even substantially satisfactory to both the Roman Catholic minority and the Manitoba government.<sup>73</sup> Time if not politics was to demonstrate that Davin's instincts to support the principle of remedial legislation rather than the principle of non-interference were justifiable, but whether these instincts arose from a sense of justice or of party loyalty must remain a matter of conscience.

These, then, were the circumstances in which Tupper's Conservatives, Davin included, went to the country in 1896. Yet the election

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<sup>73</sup> See *Sissons, op.cit.*, p.194 ff.



must be examined not in terms of the Manitoba School Question alone, but in terms of a whole series of events, unfortunate events from a Conservative point of view, dating back to 1891 and earlier. The succession of prime ministers from Macdonald to Abbott to Thompson, Bowell, and finally to Tupper had done little or nothing to nourish confidence in the Conservative leadership; the scandals of the early nineties undoubtedly shook the confidence of the public in the Conservative party; the party itself was seriously split over issues of race and religion, and by 1896 it had been in office for eighteen years; the delayed tariff reform was regarded in the West particularly as too little and too late; and depression and drought had taken their usual toll of government supporters. Moreover, under Laurier the Liberal party had become a resurgent political force, eager for office, and offering as an attractive panacea for the nation's ills a programme of low tariffs, provincial rights and honest, economical government.

Something of these unsettling conditions as they affected Assiniboia West is apparent in Davin's correspondence with Thompson beginning as early as 1891. In November of that year he wrote: "There is a rumour abroad here of a general election. If there be any truth in it Heaven help the Conservative party, for only a miracle can save it." The letter continued:

My strong desire is that Mr. Abbott's Government should be successful. There has not been time for the great impression made by the scandals to wear away. True the bulk of Conservatives will vote Conservative; but it is not the bulk vote which wins -- it is the stragglers. You are sure of all the garment but the hem; it is the hem frays away. Go to the country now & it will be said it is fear respecting bye elections. Go to the country without reorganizing your Cabinet to which you were pledged and what will be thought of your good faith by the officers in your army to whom that pledge



was given? Do you think the people wd stand it?<sup>74</sup>

He advised Thompson to strengthen the cabinet, do good work for a session or two and then go to the country; "Faith pure & simple is everything in religion; in mundane affairs we can have facts as well."<sup>75</sup> The following month he confessed:

I have a queer sort of "gaingiving" as Hamlet says about my political heart in regard to your Government. I pray God it may not be so but I think the country is shrinking away from you. The people are beginning to talk pretty plainly up here. But of course Mr. Abbott may set all this right.<sup>76</sup>

As for the religious intrigues within the party, Davin indicated to Thompson in 1893 that Clarke Wallace and Sam Hughes had arranged for all the Orange lodges from coast to coast to condemn Davin by resolution,<sup>77</sup> and he charged that in Assiniboia West the Orangemen had launched a whispering campaign against him:

Now there is no doubt that Wallace and Sam Hughes have been pulling [?] D.J. Robertson & S. Gray -- respectively Secretary & W.M. of the Orange Lodge here this year. Gray goes from bar room to bar room & stands on the street-corners whispering in the ears of every Orange supporter of mine that he can get hold of, that I am "A damned papist in disguise" with the comment that he would prefer "a papist straight & above board to a damned traitor."<sup>78</sup>

He went on to point out that the Grits of Assiniboia West were full of confidence, and it was expected that in the next election they would run

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74 Davin to Thompson, Nov. 23, 1891, PAC, Thompson Papers, Photocopy in AS.

75 Ibid.

76 Ibid., Dec. 15, 1891, Photocopy in AS.

77 Ibid., May 16, 1893, Photocopy in AS. Clarke Wallace and Sam Hughes were influential in Conservative circles and in the Orange Order.

78 Ibid., July 1, 1893, Photocopy in AS. Davin's vigorous defence of Irish Home Rule in a speech in Montreal on May 17, 1893, had apparently drawn the ire of Canadian Orangemen. See below Chapter 11.



J.H. Ross, Davin's opponent in the 1887 election. Davin confessed that in that campaign when he had had "the whole power of the Government," including Dewdney and Herchmer in his support, Ross had given him a closer race than had Tweed in 1891 when these and other powers were supporting Tweed, and he went on to suggest, therefore, that there was a very real possibility that "Wallace may imperil the Constituency by influencing the Orangemen against me."<sup>79</sup>

Party unity was thus of the utmost importance, and in November of 1893 Davin emphasized this in a long letter to Thompson:

Now [the Grits] are full of confidence that their party will sweep the whole Dominion. There can be no doubt a great reaction has taken place all over the West mainly I think owing to the low price of wheat & the delay contemporaneous with this in giving tariff reform. We shall therefore have a big fight next time; nor is it clear to me that we shall win unless the Conservative Party be united.<sup>80</sup>

He recalled the advantages enjoyed by the Conservatives in his constituency in 1887: Ross was just beginning his political career; the Tories were united; the government supported the government candidate; Conservative policy for the North-West contrasted favourably with the Liberal record; the territorial election came some weeks after returns were in from other parts of the Dominion. These conditions did not pertain in 1893. On the contrary, he went on:

Recently little settlements from Bruce & Wellington have come in -- all Reform. The election will be run at the same time as those throughout the rest of the Dominion. Ross will certainly make a better run in 94 or 95 than in 1887 & if the Conservative Party remain divided will as certainly win.

Party unity was the key in Assiniboia West as well as throughout the

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79 Ibid.

80 This and succeeding quotations are drawn from ibid., Nov. 30, 1893, Photocopy in AS.



Dominion, but the 1891 contest had "played entirely into Grit hands by dividing the party & the division has never been bridged over."

The chief thing [he concluded] is union -- & with the Party united I can certainly carry the Constituency -- but whether with so large a majority as in the two previous contests I will not presume to say.

I need hardly tell you I should not trouble you at this length if I did not know the crisis to be serious.

In all these communications the theme is the same, and even when Davin could report, as he did in January of 1894, that he was "stronger apparently than ever" in both west and east, he added: "Nevertheless, I believe we are going to have a desperate fight."<sup>81</sup> Still, while he may have been stronger than ever personally, he could detect "a feeling widespread and strong against the Government."<sup>82</sup> The following month he advised: "... a good harvest & prosperous times -- that is the great thing -- Without that no Government should tempt its fate."<sup>83</sup> In August he was still confident that his constituency had never been in better shape, but he was still cautious too: "How it may be a year from now I know not."<sup>84</sup>

At the same time Davin appeared concerned that Thompson and his associates were being somewhat naïve in relinquishing to the Legislative Assembly such traditional instruments of patronage as the appointment of court house caretakers and the distribution of seed grain. To him this meant simply that the patronage would be distributed by his opponent, Jim Ross, who was at this date Speaker of the Legislative Assembly, and thus "The Party loses, but the country gains nothing."<sup>85</sup>

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<sup>81</sup> Ibid., Jan. 24, 1894, No. 24736.

<sup>82</sup> Ibid., Jan. 29, 1894, Photocopy in AS.

<sup>83</sup> Ibid., Feb. 8, 1894, No. 24908.

<sup>84</sup> Ibid., Aug. 30, 1894, Photocopy in AS.

<sup>85</sup> Ibid., Jan. 29, 1894, Photocopy in AS.



He complained about this to Thompson saying, "'It is magnificent, but it is not war'; it may be high statesmanship but I am quite sure it is not astute politics."<sup>86</sup> He saw no reason why a Tory government should encourage the resurgence of their opposition, a resurgence which they should do their utmost to combat, and to this end he urged Thompson or some other Minister to come out to the West to counteract the influence of Laurier: "The coming of Laurier acted on the Grits like a shower of rain on slugs and snails [he wrote]; they have come out of their holes; and a certain Grit movement is going forward."<sup>87</sup> He showed greater optimism in October, however, when he wrote:

I have this Constituency now that I can carry it flying & if I should die or retire any one of my friends can carry it as a supporter of yours. Until a few months ago I had trouble enough with the Dewdney intrigues. If the elections came off now I should be elected by acclamation & could then go & help whoever is our candidate in Western [sic] Assiniboia or in the Saskatchewan. It is important you should get a full support from the West.<sup>88</sup>

This optimism appears to have been justified, for five months later, on March 12, 1895, Davin was nominated by the Conservatives of Assiniboia West at a convention held in Moose Jaw at which, in contrast to previous conventions, the utmost harmony prevailed. No candidate was named to run against him, and even Mr. Tweed, who had been unable to attend, sent a message expressing his support.<sup>89</sup> Candidates from the other

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86 Ibid.

87 Ibid., Sept. 1, 1894, Photocopy in AS.

88 Ibid., Oct. 4, 1894, Photocopy in AS.

89 See Regina Leader, Mar. 21, 1895, "Convention at Moose Jaw."



parties were also in the field in 1895: J.K. McInnis, editor of the Regina Standard, came out for the Patrons; and Mr. A. Hitchcock, a Moose Jaw banker, represented the Liberals for a short time, but he was later replaced by Mr. J.A. Grant of Fort Walsh. The Liberals eventually withdrew their candidate to leave the field to Davin and McInnis,<sup>90</sup> but at the same time there were also rumours, which did not materialize, that a third candidate independent of the Liberals, Conservatives or Patrons would be brought out, and the names of F.W.G. Haultain, G.W. Brown, and J.W. Smith were mentioned in this connection.<sup>91</sup> Conservative suspicions of collusion between McInnis and the Liberals are reflected in the following lines which appeared in the Leader of May 28, 1896, and which chronicle McInnis' progress from Conservative editor to Patron candidate to Grit suitor:

## I

I am McInnis.  
 I am the Thunderer.  
 I am also the Prince of the Floppers.  
 Conservative, -- that is while Dewdney's  
 ads "homestead Regulations" ran in my paper.  
 (Twelve cents a line first clatter, eight  
 cents each subsequent).

## II

Then when the Patrons formed -- deftly I did it.  
 Attended their lodges and spoke at their picnics.  
 Used every means to secure nomination.

## III

Then with three candidates -- three-cornered shindy  
 Carefully, gingerly, softly I worked it.

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90 See ibid., May 21, 1896, "The Political Situation."

91 See Saskatchewan Herald (Battleford), Apr. 24, 1896. Frederick William George Haultain was the M.L.A. for Macleod; George William Brown was the M.L.A. for North Regina; Jacob W. Smith was a Regina hardware merchant and had been mayor in 1889.



Promised the Lib'rals I'd come out flat-footed,  
 If they would pull their man out of the contest.  
 Rightly they call me the Prince of the Floppers.  
 I am the Thunderer --  
 I am McInnis.<sup>92</sup>

Two weeks earlier, on May 14, 1896, the Leader had temporarily passed back into the hands of Davin's supporters, for Davin and Scott had been unable to reconcile their differences.<sup>93</sup>

The campaign in Assiniboia West as it developed through late April, May and early June of 1896 was a bitter personal fight between Davin and McInnis; the Qu'Appelle Vidette reported that the two candidates were "fighting tooth and nail in Western Assiniboia, where more personal ill-feeling is being displayed ... than is generally shown."<sup>94</sup> Davin went to the people on the record of the Conservative government and his own record in obtaining increased powers for the territorial Assembly, second homesteads and a reduction of duty on farm implements. Moreover, he promised to continue to press for irrigation, reduced freight rates, alienation of government interests in townsites, cold storage facilities and compensation for scouts and Mounted Police who served in the Rebellion.<sup>95</sup> Naturally, Davin's record appeared as something less than admirable when described by McInnis who on one occasion "entertained the audience, pointing out from Hansard what he claimed to be great inconsistencies in the public conduct of the late member, and claimed that the versatile talents

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92 Regina Leader, May 28, 1896.

93 Ibid., May 14, 1896, "Repudiation."

94 Vidette (Qu'Appelle), May 28, 1896.

95 See for example Regina Leader, May 7, 1896, "On the Stump," and ibid., May 14, 1896, "Mr. Davin's Manifesto."



of Mr. Davin could be better utilized on the lecturer's platform, where consistency was not an absolute essential."<sup>96</sup> Generally speaking, however, throughout the Territories it was still the pros and cons of the National Policy which the rival candidates debated. In Alberta, for example, the bulk of Frank Oliver's election address was taken up with matters concerning land policy, railways and the tariff,<sup>97</sup> while in Assiniboia East the editor of the Qu'Appelle Progress maintained that it was the National Policy that was at stake in the election, and he suggested even that

Mr. Clark [sic] Wallace and those who agree with him in his views on the Manitoba school question, will not permit that minor matter to interfere with their hearty support of a government which is making such a brave and successful fight for a policy which has built up a nation and saved our people from feeling that depth of commercial depression which has passed over other lands.<sup>98</sup>

Also debated from the platforms and in the columns of the newspaper press throughout the Territories were the pros and cons of the Manitoba School Question and its solution in terms of the remedial legislation proposed by the Conservative government. The views of Laurier, a candidate in Saskatchewan, were of course well known. In Alberta, Frank Oliver, running as an Independent Liberal, declared himself opposed to the coercion of Manitoba,<sup>99</sup> while his Conservative opponent, T.B.H. Cochrane, publicly subscribed to the views of Hugh John Macdonald who at an Edmonton meeting took his audience step by step through the Manitoba controversy indicating the constitutional justification for remedial

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96 Progress (Qu'Appelle), May 21, 1896, "Political Pot Pourri."

97 See Edmonton Bulletin, June 1, 1896, "Election Address."

98 Progress (Qu'Appelle), June 18, 1896, "The Dominion Campaign."

99 See Edmonton Bulletin, June 1, 1896, "Election Address."



legislation and concluding by assuring them "that no matter which side is victorious [the Manitoba School Question] will be settled between the Dominion and the provincial governments, and nothing like remedial legislation will ever be passed by the Dominion of Canada."<sup>100</sup> In Assiniboia East, James Moffat Douglas, an Independent Liberal running with Patron support, declared that he was "prepared to oppose any bill to introduce separate schools from whatever source it may emanate."<sup>101</sup> W.W. McDonald, the Conservative candidate in Assiniboia East, defended his vote for the remedial bill by arguing that he did not want to infringe upon the religious principles of the minority, that he was prepared to uphold the constitution which provided a means for the redress of grievances, and that he was prepared to stand by the government against the Liberal opposition whose criticism of the remedial bill had been that it simply did not go far enough.<sup>102</sup> In Assiniboia West, McInnis, of course, was an outspoken opponent of the coercion of Manitoba, and therefore Davin, like McDonald in Assiniboia East, found it necessary not only to pledge himself for the future on this question, but to explain and justify his performance in the past.<sup>103</sup>

Once Davin had returned to his constituency from Ottawa he had found himself under consistent attack from the Liberal and Patron press for his vote on the remedial bill. "Mr. Davin's devious course on

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100 Ibid., June 11, 1896, "The Campaign."

101 Vidette (Qu'Appelle), May 21, 1896, "To the Electors of East Assiniboia."

102 Ibid., Apr. 30, 1896, "To the Electors of East Assiniboia."

103 Aside from Laurier, Davin and McDonald were the only two territorial candidates who had previously held seats in the House of Commons.



the remedial bill has considerably lessened his chances ....,"<sup>104</sup> commented the Vidette; and later: "Mr. Davin will again stand but it is apparent that he will be a long way from polling the full Conservative vote ...."<sup>105</sup> Similarly, the Edmonton Bulletin commented:

Mr. Davin's course in opposing the remedial bill, then voting for it and then pretending to oppose it, presents him in a most ridiculous light before his constituents. They are accustomed to his political vagaries, but it is doubtful if they can tolerate him any longer.<sup>106</sup>

Yet Davin was not without some support from the North-West press. For example, the Qu'Appelle Progress came to his defence with this item:

The Grit and Patron press are very severe on Mr. Davin for his action on the Remedial bill by voting for the second reading. His doing so did not ensure the bill passing the third reading, in fact, it has since been dropped, but Mr. Davin was not going to assist Mr. Laurier into power knowing that should such a calamity happen, the school question would be in a greater muddle than ever.<sup>107</sup>

The editor may have been intending to defend Davin, but the item reads more as though he were attempting to conciliate the anti-remedial Conservatives.

Davin was thus in a very difficult position, for the Patron platform undoubtedly attracted some of his former supporters, and the remedial bill alone, to say nothing of his vote on second reading, had just as surely alienated others. Moreover, he was under pressure from the Orange lodges, amongst which his religious views were already suspect,

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104 Vidette (Qu'Appelle), Apr. 23, 1896, "Territorial Echoes."

105 Ibid., Apr. 30, 1896.

106 Edmonton Bulletin, May 7, 1896, "In the West." See also Regina Leader, May 7, 1896, "Fools, All of us."

107 Progress (Qu'Appelle), Apr. 23, 1896, "The Coming Political Battle."



whose stand on the issue of the Manitoba School Question is clear from the following resolution passed in May 1896 at the semi-annual meeting of the Eastern Assiniboia County Orange Lodge:

That we regret to see both the greater parties of Canada pledged to remedial legislation, thereby enforcing upon Manitoba, against the wishes of the majority, separate schools. We recommend, therefore, that all members of Loyal Orange Lodges should vote only for such candidate at the ensuing general election for the Dominion parliament who will pledge himself against remedial legislation in any form.<sup>108</sup>

Nor could Davin rely on any substantial Roman Catholic support, for the Roman Catholics of Assiniboia West represented approximately a mere seventeen per cent of the population.<sup>109</sup>

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108 Vidette (Qu'Appelle), June 11, 1896.

109 The figure is interpolated from those given in Census of Canada, 1890-91, (Ottawa, 1893), Tables 2 and 4, and Fourth Census of Canada, 1901, (Ottawa, 1902), Tables 1 and 10.

	<u>Popn.</u>	<u>R.C. Popn.</u>	<u>Percent of R.C.s</u>
<u>Alberta</u>			
1891	25,277	5,899	23.3
1901	65,876	12,957	19.7
<u>Assiniboia East</u>			
1891	20,482	2,195	10.7
1901	49,693	7,521	15.1
<u>Assiniboia West</u>			
1891	9,890	1,567	15.8
1901	17,692	3,142	17.8
<u>Saskatchewan</u>			
1891	11,150	3,347	30.0
1901	25,679	6,453	25.1
<u>North-West Territories</u>			
1891	66,799	13,008	19.5
1901	158,940	30,073	18.9



In his election address Davin warned his constituents that the Manitoba School Question was being used as "a red herring affair -- and is being employed to divert your attention from great and lasting issues,"<sup>110</sup> but red herring or no the charges against Davin were of sufficient importance to merit both an explanation of his past conduct on the matter and a pledge for the future. He therefore explained that he had had no mandate with respect to the remedial bill but to support the Conservative government, and this he had done. Now, however, knowing the feeling of his constituency on the matter, he pledged himself "to oppose at every stage any bill interfering with provincial rights in Manitoba, and should any person be in a position to bring forth a stronger measure than that of last session I will of course a fortiori oppose him."<sup>111</sup> In conclusion, he declared himself to be a supporter of Tupper, "with whom, however, I differ on the school question."<sup>112</sup> Moreover, from several platforms throughout the riding, Davin explained his second-reading vote in terms similar to those he had used in the House and in his letters to Scott, but one can detect in these explanations greater attention to the issue of party loyalty than he had previously admitted.<sup>113</sup> For example,

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110 Regina Leader, May 14, 1896, "Address to the Electors of Western Assiniboia."

111 Ibid.

112 Ibid. In taking this stand Davin was doing what almost half the Conservative candidates in Ontario were doing, namely, running on the Conservative ticket with a caveat against remedial legislation, the issue upon which the party was appealing to Quebec for support. See Lovell C. Clarke, "The Conservative Party in the 1890's," The Canadian Historical Association Annual Report, 1961, p.72.

113 See for example Regina Leader, May 7, 1896, "On the Stump," and ibid., May 21, 1896, "The Town Meeting."



at Maple Creek, after a long and detailed account of the parliamentary technicalities of his vote, and after citing precedents from British parliamentarians, he had this to say of his speech on second reading:

The way I concluded that speech showed that when making it I had not then fully resolved to vote with the Government, and I repeat I should not have voted with the Government had not its fate depended on my vote.<sup>114</sup>

Davin thus appears to have reversed the position he had taken in the House when he voted for the principle of remedial legislation. If the principle was defensible in April, why was it not defensible in May? If Mills' arguments had convinced Davin that remedial legislation did not interfere with provincial rights, why was it necessary to differ with Tupper on the school question? Or, to state the problem in the reverse, if the federal Parliament could not produce an effective measure to remedy the acknowledged educational grievances of a religious minority, why was it necessary to vote for a constitutional principle which defied implementation? The answers to these questions seem to lie somewhere between Parliament and party, for the remedial bill had become a paramount political issue, and Davin was fighting on that issue for his political life in a campaign in which a multitude of other factors left him no room to manoeuvre or compromise. In a confrontation with constituents in which the elements of the debate have been reduced to a brute simplicity, the politician on the defensive has no alternative but to temporize, and on the whole question of the Manitoba schools and his vote on the remedial bill, Davin and his party were on the defensive in this campaign. Moreover, on this issue Davin and his colleagues were caught in the uncertainties of an upheaval in the power structure of the Conservative

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<sup>114</sup> Ibid., May 21, 1896, "Mr. Davin."



party, for the traditional racial and religious alliance which had maintained the Tories in power for so many years had been weakened by the disputes over the Jesuits' Estates, the Riel affair and similar matters, and was rapidly disintegrating. Davin himself had been one of those Conservatives who had attempted to maintain the balance implicit in the Conservatism of Macdonald and Cartier, but in this last encounter with the forces of schism it would appear in retrospect at least that in the intriguing reciprocity of cause and effect, sauve qui peut was the only viable alternative for the Conservative party.

In addition, the situation was further complicated by conditions peculiar to the North-West Territories where there had existed from the beginning an inherent suspicion of "partyism" underlying a political superstructure essentially dependent upon the party system. Consequently, the electorate, confounded by the crisis, was highly susceptible to the "non-partisan" appeal of the Patrons of Industry, an appeal which Davin felt could be countered only by a marriage, not of convenience, but of political necessity, between the National Policy of the Conservative Party and the anti-remedial instincts of his constituents. Finally, in Assiniboia West, Davin himself had never commanded the united support of the Tory party, and in the 1896 situation in which party loyalty was in a state of flux, where personal loyalty had never been reliable, the only variable was the platform, and the platform therefore had to be altered to suit the mood of the electorate. Under these circumstances, then, it becomes even more clear that Davin's simplest course would have been to bolt the party on the second-reading vote. Had he done so he might well have swept the constituency in 1896. On the other hand, he might have had some expectation of being able to carry his constituents with him on this issue, but in the event this was clearly an over-



estimate of his political ability. Having made and failed in his attempt to educate his masters, Davin bowed to the will of the sovereign electorate.

Polling day was June 23, 1896,<sup>115</sup> and by that evening it appeared that Davin had gone down to defeat. McInnis was borne triumphantly on the shoulders of his supporters through the streets of Regina while the band played "Hail, the Conquering Hero Comes,"<sup>116</sup> but the celebration was premature. By June 25, Davin had a two-vote majority<sup>117</sup> which was regarded by the Leader, now under Scott's control again, as a "practical defeat" for which "Mr. Davin has no one but himself to blame."<sup>118</sup> The summing-up of ballots was held on June 30, and as a result of certain errors detected by the returning officer, Davin's majority grew to five.<sup>119</sup> In the face of such a small margin, McInnis naturally applied for a recount, the results of which were announced in the Leader on July 16: the Honourable Mr. Justice Richardson who had conducted the recount declared the vote tied. It therefore became the duty of the returning officer, Mr. Dixie Watson, to cast the tie-breaking vote, and in doing so he contended that "The people have not pronounced themselves against their former decisions,"<sup>120</sup> and therefore he gave his casting vote to Davin to elect him by a majority of one. This one vote was naturally

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115 This was the first time that the secret ballot was used in a federal election in the North-West Territories.

116 Stubbs, Lawyers and Laymen of Western Canada, pp. 10-11.

117 Regina Leader, June 25, 1896, "A hard Finish."

118 Ibid., "In West Assiniboia."

119 Ibid., July 2, 1896, "Davin Has Five."

120 Ibid., July 16, 1896, "Re-count Showed a Tie."



the occasion for much jesting at Davin's expense; having been elected by Dixie Watson's casting vote, Davin was referred to from time to time as "the honourable member for Dixie," but his own wit was more than equal to the occasion: "That one vote of mine," he is reported as saying, "seems to give great amusement, but I can say of my vote what the gallant Mercutio said of the wound he received from Tybalt, 'No, 'tis not so deep as a well, nor so wide as a church-door, but 'tis enough, 'twill serve.'"<sup>121</sup>

However, his election troubles were not over, for McInnis entered a petition against the election alleging certain irregularities, and the petition hung over Davin's head for some months until through an agreement between Laurier and Tupper a number of outstanding protests on both sides were sawed off. Clifford Sifton undertook to request Walter Scott to arrange to have the protest dropped in Assiniboia West. The independent young editor might very well have been flattered to learn that the Minister of the Interior had been impelled to approach him on this matter not only because of the personal impression he had made, but "also upon a perusal of the columns of your paper which makes it evident that you are one of the men, unfortunately too few in our Western Country, who is able to rise above petty local feelings or personal feelings however strong, and look to the interest of the party and the interest of the Country as a whole."<sup>122</sup> Through the influence of Scott and the judicious expenditure of a few hundred dollars the petition was dropped and Scott could report tersely and dramatically: "It is finished. God save us from our friends."<sup>123</sup>

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121 Stubbs, op.cit., pp.11-12.

122 Sifton to Scott, August 1, 1897, PAC, Sifton Papers, Letter Book, Vol. 221, p.915.

123 Scott to Sifton, Aug. 14, 1897, PAC, Sifton Papers 1897, No. 21390.



In such a manner then did Nicholas Flood Davin become for the third time the Member of Parliament for Assiniboia West, but under circumstances which led to the claim that:

The independent intelligence of Western Assiniboia pronounced very strongly against him. When the official vote, the police vote, the rascally election law, the onslaught made by priests upon Catholic Germans and Half-breeds, and the active aid of more than one deputy returning officer, Mr. Davin was able to poll only a bare half of the total vote, he must admit that he met a practical defeat, and the very pronounced condemnation of the unbiassed vote of the district.<sup>124</sup>

But given the circumstances, was this a "pronounced condemnation" and a "practical defeat"? Davin was the only Conservative returned from a territorial constituency. The party itself saw its majority swept away and its representation reduced to eighty-nine seats. The electoral history of the riding indicates a persistent anti-Davin element. Davin's conduct on the school issue undoubtedly cost more votes than it gained for him. The sale of his newspaper and the subsequent loss of Scott's support left him without means of contacting his constituents during the critical few weeks when Davin was still in Ottawa and the three leading journals in Assiniboia West were controlled by his opponents. Moreover, McInnis had been campaigning steadily for almost a year for the greater part of which Davin was out of the riding. These factors, in addition to the trend away from the Conservative party evident in the Territories since 1891, suggest that far from being a "practical defeat," his one-vote majority was in fact a substantial personal victory.

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<sup>124</sup> Regina Leader, July 23, 1896, "Mr. Davin and his Present Position in Western Assiniboia."



## CHAPTER X

### THE HONOURABLE MEMBER FOR DIXIE

A modern authority on Parliament has written that opposition parties would do well to follow the advice of Shakespeare's Sir Toby Belch: "So soon as ever thou seest him draw; and, as thou drawest, swear horrible."<sup>1</sup> An examination of Hansard for the Eighth Parliament, in which Davin sat in opposition, shows that he too would have subscribed to this advice, for he was ever ready to cross swords with the occupants of the treasury benches or their supporters, and since the election had reduced Conservative ranks to eighty-nine members to oppose one hundred and seventeen Liberals and seven others,<sup>2</sup> Davin had ample opportunity for parliamentary combat. His interests, as one might expect, ranged widely over the field of Canadian affairs, but he and his colleagues subjected to the closest scrutiny those actions of the Liberal government which affected in any way the elements of that touchstone of the Conservative party, the National Policy.

While as an opposition member Davin's criticisms of railway policy were directed chiefly at the Liberals, it is clear that he had an inherent suspicion of any government, whether Liberal or Conservative, with respect to railway matters. His most significant contribution to debate on this general matter was, as it had been in the past, the advocacy of state control. In 1897 he said:

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1 Sir Ivor Jennings, Cabinet Government, 3rd Edition, (Cambridge, 1961), p.499.

2 Norman Ward, The Canadian House of Commons: Representation, (Toronto, 1950), p.291.



I am inclined to think -- and we may as well face the question -- that in the not distant future we shall have to have Government railways, if we want to retain our freedom in this country.<sup>3</sup>

The following year he referred to the desire of Canadians for freedom from the oppression of "dukes, and earls, and landlords," but he pointed out that Canadian business and particularly railway corporations were fast creating a financial aristocracy to which even Parliament appeared at times to make obeisance. Consequently, it became almost impossible for governments to do what they knew to be right in the face of pressure from the railway corporations, and he continued:

Now, Sir, although I am sorry to have to say that this Government has not lived up to its professions in the past, has not availed itself of its opportunities, there are yet at least three years of "locus penitentiae" left to it; and I would like to see the Prime Minister and his colleagues go into retreat and examine their consciences as to their political sins for the last twenty months, and try and redress the dreadful backslidings that I have witnessed with so much pain. That is what I want them to do in regard to this railway matter. All you have to do is fall back on your professions, live up to the professions of the Liberal party, live up to the professions of Alexander Mackenzie and George Brown, and then you will be, I won't say ideal statesmen, but you will go as high as will satisfy my humble confidence either in your desire or in your capacity to go.<sup>4</sup>

He went on to claim that the government had the power through Parliament to exercise control over the railways if they would only use it, and in Davin's view "The people of Canada who bonus a line, should have a permanent interest in that line ... and a claim upon the earnings of the road."<sup>5</sup>

Later he admitted that the question of the control of railways was fraught with difficulties, "but difficulties are the opportunities

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3 HCD, Mar. 29, 1897, Vol. 1, c. 118.

4 Ibid., Mar. 11, 1898, Vol. 1, c. 1762.

5 Ibid., c. 1763.



of great men,"<sup>6</sup> and while state control of the main continental line would eventually prove to be the only solution, he acknowledged that it was a "long way to look forward to that ...."<sup>7</sup> In the meantime, he suggested, a solution not without its weaknesses would be for Parliament to include a schedule of maximum freight rates in subsequent charters granted to railway corporations. The free-enterprise solution of competition was quite inadequate in Davin's view, for, as he said later, "competition in railways is a delusion ... you cannot, in the nature of things, have competition in railways, because the cardinal principle behind competition is, that the thing that supplies the competition can be multiplied almost infinitely in proportion to the demand."<sup>8</sup> In 1899 and again in 1900 Davin supported motions urging the creation of a board of railway commissioners to control Canadian railways,<sup>9</sup> but concurrently he was prepared to support the national system when it was endangered by competition from American lines, and in debating a railway subsidies bill he said:

We ought to pause before we give the maximum bonus to a line that will be part of the United States system. My desire is to fight the national system and to get the best advantage for the people traveling upon it; but when it comes to helping the lines of the United States against the national system, then I will fight for the national system. But I will do everything I can to lower the rates on our Canadian system.<sup>10</sup>

Immigration and settlement continued to engage Davin's attention throughout the years he sat in opposition, and he continued to

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6 Ibid., c. 1822.

7 Ibid., c. 1823.

8 Ibid., Apr. 4, 1898, Vol. 1, c. 3041.

9 See ibid., May 29, 1899, Vol. 2, cc. 3859-61, and ibid., Feb. 21, 1900, Vol. 1, c. 763 ff.

10 Ibid., Aug. 4, 1899, Vol. 3, cc. 9530-31.



press upon the government improvements in policy and administration which his local knowledge as a North-West member showed to be desirable. During the second session of 1896 he introduced a bill to amend The Dominion Lands Act to enable ranchers to qualify for a homestead by acquiring livestock and by erecting fencing and dwellings rather than by fulfilling the cultivation requirements which were patently inappropriate for the dry ranching country of the south and west.<sup>11</sup> The bill was not proceeded with at that session, but Davin introduced it again in 1897,<sup>12</sup> and after second reading its main provisions were embodied in a government measure introduced by Sifton which permitted a settler who had fulfilled the residence qualifications, cultivated and fenced one acre per year, acquired forty head of cattle and erected stables and outhouses for wintering the stock, to obtain a patent for a homestead or pre-emption.<sup>13</sup>

Davin's comment on third reading was:

... I might on my own account say that while the Government have been accused of stealing many things from the Conservative party, there is no individual on this side from whom they have purloined in such a wholesale manner as from the humble individual now addressing the House.<sup>14</sup>

Davin, who had long been an advocate of an imaginative immigration policy, respected the vigour with which Sifton approached the problem of peopling the West. He did, however, take issue with what appeared to be nepotism and patronage in certain immigration appointments,

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11 See ibid., Sept. 9, 1896(2), cc. 873-74.

12 See ibid., Apr. 26, 1897, Vol. 1, c. 1230.

13 See 60-61 Vict., c. 29.

14 HCD, June 15, 1897, Vol. 2, c. 4118.



and he had in mind men such as W.T.R. Preston, a notorious Liberal organizer, and C.R. Devlin, a former Liberal M.P., when he said: "... too many of them ... have been appointed solely on account of political exigencies."<sup>15</sup> It was for this reason that he intended to register his "protest against these bloated expenditures."<sup>16</sup> He took issue too with that aspect of Sifton's immigration policy which created colonies of European settlers in the North-West. The first Doukhobor colonies were established in 1899,<sup>17</sup> and Davin commented: "Here we are, a people that lay so much store on the public school as a nationalizing influence, and here is our immigration policy which, by making settlements by colonies, strikes a serious blow at the nationalization of our people."<sup>18</sup> He made it clear then and the following year that he held no ill-will for any able settler from wheresoever he might come, but he contended that not enough effort was being made to attract settlers from England, Ireland, Scotland or France.<sup>19</sup>

I do not say one word and never will, against any poor man from any country coming into Canada. But, I entirely disapprove of having any class of settlers; I entirely disapprove of settling people in colonies. Above all, I entirely disapprove of discriminating against our own people. I say that anything you do for any immigrant coming in here, you should do for a Canadian. Do not make fish of one and flesh of another, particularly when you are making fish of your own countrymen, who have certainly as much claim upon us as a man coming in from one of the four corners of Europe.<sup>20</sup>

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15 Ibid., July 9, 1900, Vol. 3, c. 9649.

16 Ibid., c. 9650.

17 Morton, History of Prairie Settlement, p.112.

18 HCD, Mar. 24, 1899, Vol. 1, c. 374.

19 Ibid., c. 375.

20 Ibid., July 9, 1900, Vol. 3, c. 9650.



On the tariff question Davin maintained his fundamental belief in protection modified by his concept of a tariff flexibility to meet changing economic conditions, a modification he had described earlier as "scientific protection." From this position he goaded the Liberal government, elected on a low-tariff platform, to implement their election pledges without delay. It was with an obvious relish that he turned on the supporters of the government those double-edged motions, once used with some effect against himself, which were in substance clear statements of Liberal policy while being in form want-of-confidence motions. This was the tactic he used in the second session of 1896 when he moved an amendment to the Supply motion reminding the House of Liberal promises to place certain items on the free list and concluding with the words:

... that, therefore, in the opinion of this House, when revision of the tariff is made the Government is bound in honour to place agricultural implements, binder twine and coal oil on the free list.<sup>21</sup>

He used the same device the following session when he moved that:

Good faith with the western farmers on the part of the Government demands that agricultural implements and lumber be placed on the free list.<sup>22</sup>

By 1897, however, he had other reasons to reproach the government, for by this time it was clear that the revenue-tariff views the Liberal party had expressed with such enthusiasm and conviction when they sat in opposition were undergoing a modification towards protection. Consequently, in the debate on the Address in Reply at the opening of the session, Davin expressed his view of the Liberal conversion to protection:

I may be pleased that gentlemen have adopted views that I have held, but I am not pleased to have men occupying the high position of members of the

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21 Ibid., Sept. 30, 1896(2), c. 2274.

22 Ibid., May 12, 1897, Vol. 1, c. 2131.



Government of Canada laughing cynically in the face of the electors they have deceived.<sup>23</sup>

A few weeks later the opposition had become concerned over an apparent delay in bringing down the tariff resolutions, but the delay did not concern Davin who referred to the government as a "parcel of quacks," adding:

... I much prefer, when the country's interests and health are placed in the hands of political quacks, that these quacks should hesitate and listen to the advice of people who know better how to deal with the country's affairs.<sup>24</sup>

Even by 1900 Davin saw no evidence that the Liberals had learned anything about the nation's economic affairs. They had adopted the Conservative tariff, he declared, but, he added: "they do not know how to manage it, and the consequence is we have these riotous surpluses."<sup>25</sup>

The Liberal tariff as introduced in 1897 Davin described as "constructed on the principle of cross fishing." It had been designed both to sustain the hopes of the free trader and to calm the fears of the protectionist, and as a result was a "Janus measure, which looks with one face to the manufacturer and smiles on him, and with another face on the free trader and smiles equally on him ...."<sup>26</sup> The changes that had been made in the tariff, he claimed, were made "not in the interests of the farmer, not in the interests of the workingman, but in the interests of the manufacturers who have come to the Government and pleaded before them."<sup>27</sup>

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23 Ibid., Mar. 29, 1897, Vol. 1, c. 115.

24 Ibid., May 18, 1897, Vol. 1, c. 2484.

25 Ibid., July 17, 1900, Vol. 3, c. 10493.

26 Ibid., May 18, 1897, Vol. 1, c. 2485.

27 Ibid., May 26, 1897, Vol. 2, c. 2959.



To describe the effect of the tariff on the North-West, Davin recalled a pre-election cartoon which showed Laurier as the Good Samaritan bending over the prostrate form of the North-West farmer

pouring into his open wounds the oil of revenue tariff and into his gaping and gasping mouth the wine of free trade as it is in England. Well [he went on], if any of that oil reached a wound ... I do not think it would be enough to lubricate the spring of the smallest Geneva watch that ever ticked, and if any of the wine of free trade as it is in England touched his gullet, I do not think it was enough to disturb the cerebral equanimity of the smallest and youngest chipmunk on the prairie.<sup>28</sup>

Of the specific items in the tariff, Davin's chief concern was with agricultural implements and other necessities of western life. He criticized the government for having failed to reduce the duty on such things as binders and mowing machines, a criticism based on both politics and economics, for on the one hand he charged the government with broken promises, and on the other he pointed out that the implement manufacturer gained where the farmer lost, because the tariff had reduced the duty on iron.<sup>29</sup> He scoffed at the very slight reduction in the duty on coal oil,<sup>30</sup> and while he congratulated the government for having removed the duty on binder twine, he charged that in allowing the twine output of Kingston Penitentiary to be put up for tender, the distribution of twine had fallen into the hands of a monopoly, and the price had risen.<sup>31</sup> He supported a proposal to bonus butter, asking: "... why should not this House do for the farmer of Canada what it would do for the iron maker ...?"<sup>32</sup> Again, in Committee of Supply, he moved that nails be placed on the free list,

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28 Ibid., Mar. 24, 1899, Vol. 1, c. 344.

29 Ibid., May 11, 1897, Vol. 1, c. 2056.

30 Ibid., May 21, 1897, Vol. 2, c. 2755.

31 Ibid., July 12, 1899, Vol. 3, cc. 7206-7, and ibid., May 29, 1900, Vol. 2, cc. 6225-26.

32 Ibid., May 5, 1897, Vol. 1, c. 1800.



because he wanted "in some detail of the tariff, to see hon. gentlemen sitting on the treasury benches in the novel position of keeping a single promise they have made."<sup>33</sup>

In other respects, the Liberal tariff of 1897 took the first steps towards a system of imperial preference, an area of policy which neither party had as yet clearly defined, for Conservative instincts of loyalty to the Empire had been sublimated by an economic nationalism which insisted on a quid pro quo for any tariff concession,<sup>34</sup> and the traditional Liberal outlook had been towards a continental rather than an imperial zollverein. Moreover, Britain herself had been wedded to a free-trade policy which by definition precluded tariff concessions, but these attitudes had begun to change, and a tentative approach was made in 1897 to preferential trade. Davin was able to congratulate the government "who for so long took a pro-United States position" for being "driven by the logic of events to take the loyal and imperial position which they now take,"<sup>35</sup> and while he could approve the principle, he felt that the details of the agreement left something to be desired, for he argued that the Conservative position was that

... it would not only be better for Canada, but better for the Empire at large, in making a preferential arrangement ... not to have a jug-handled arrangement, but to have one that would be strictly and mutually preferential.<sup>36</sup>

Still, he concluded:

I much prefer to see them take a course which has

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33 Ibid., June 8, 1897, Vol. 2, c. 3650.

34 See Creighton, John A. Macdonald: The Old Chieftain, passim.

35 HCD, Apr. 19, 1898, Vol. 1, c. 3786.

36 Ibid.



a Conservative colour to it, than to see them take that course which would be in accordance with their past tradition.<sup>37</sup>

In addition to the specific elements of the National Policy, there were other matters affecting the North-West on which Davin claimed the attention of the House. His activity on behalf of western agriculture, for example, gives the lie to the argument used against him from time to time in election campaigns that the West could be adequately represented only by a farmer, and in fact shows that there was considerable substance to his claim that

... from the moment I entered this House [my] sails have been spread to breezes which blow in the interests of the agricultural class of the North-West Territories.<sup>38</sup>

That he was firmly convinced that the agricultural class had need of someone to watch over its interests, is apparent from this description of the cash position of the western farmer which Davin gave the House in 1900:

Suppose the farmer sells a thousand bushels of wheat in the British market at 80 cents a bushel; freights, insurance, &c., would eat up 35 cents per bushel, leaving the producer only \$450 for his crop. He buys \$250 worth of British goods and pays a duty of 30 per cent, or \$75. The other expenses are, 20 per cent to wholesalers, 10 per cent to retailers, and 10 per cent for freight, in all \$125. This would leave him without a dollar in cash, having secured only \$250 worth of goods for \$800 worth of wheat.<sup>39</sup>

Consequently, anything that could be done to improve the farmer's economic position was worth doing, but there were also political factors to be considered, for while backbenchers, particularly those sitting to the

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37 Ibid., c. 3789.

38 Ibid., July 27, 1899, Vol. 3, c. 8740.

39 Ibid., Apr. 18, 1900, Vol. 2, c. 3845.



left of Mr. Speaker, cannot expect governments to display an immediate enthusiasm for their proposals, oppositions cannot be blamed if they appear reluctant to propose measures, the implementation of which may redound to the credit of the government. Davin's concern, however, was for the interests of his constituents rather than for political strategy, and if persistence was the key to success in moving governments, Davin, even in opposition, could claim a reasonable measure of success. For example, in 1895 and again in 1896 he had moved, unsuccessfully, that an amount of \$20,000 be applied to aid in the establishment of creameries and cheese factories in the North-West Territories.<sup>40</sup> He had received little support even from his territorial colleagues, and the Conservative government of the day had not been the least enthusiastic. When he moved the motion again during the second session of 1896 with the Liberals then in power, it was Frank Oliver, a Liberal backbencher, who expressed his opposition to the subsidization of creameries in competition with private business enterprises.<sup>41</sup> However, when the new Liberal government introduced the estimates the following month, they included an item of \$15,000 "To promote the establishment and maintenance of creameries in the North-West Territories,"<sup>42</sup> and Davin could comment triumphantly:

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40 See ibid., July 8, 1895, Vol. 2, c. 4011, and ibid., Mar. 2, 1896, Vol. 1, c. 2654.

41 Ibid., Sept. 2, 1896(2), c. 583 ff. Frank Oliver was editor of the Edmonton Bulletin. He had been a member of the Legislative Assembly of the North-West Territories, and was elected to the House of Commons in 1896 as a Liberal member for Alberta. He became Minister of the Interior in 1905.

42 Ibid., Oct. 2, 1896(2), c. 2467.



I am exceedingly glad to hear the statement of the Minister of Agriculture, because it is very gratifying to me to find that the proposal I made here a few years ago has now fructified.<sup>43</sup>

Production was but one side of the agricultural coin; marketing was the other. If the farmer needed the assistance of the government in his struggle to produce a crop under the hazardous conditions imposed by the elements and the distances peculiar to the western plains, he needed similar assistance, or at least protection, in the marketing of his produce. The most common grain-marketing practice had been for the farmer to sell to the highest of several bidders to be found on the railway loading platform and to load his grain directly from wagon to car. There were a few grain elevators in the West as early as the 1870s, but they were expensive structures, and their efficiency was of greater benefit to the railway company than to the farmers. By the late nineties, however, some 447 elevators were being operated by elevator companies, milling concerns, individual millers, and a few, twenty-six, by farmers' companies.<sup>44</sup> In 1897 when the Canadian Pacific Railway insisted that grain might be loaded only from elevators, the elevator and milling companies were thus in a position to enjoy a virtual monopoly of the grain trade by telegraphing agreed daily prices to their agents. The farmers were alarmed at this arbitrary curtailment of what they considered to be their right to load direct and the incidental advantage of competitive bids at the loading point, and on their

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<sup>43</sup> Ibid., c. 2468.

<sup>44</sup> Morton, History of Prairie Settlement, pp.116-17.



behalf James Douglas,<sup>45</sup> the member for Assiniboia East, introduced legislation in 1898 and 1899 to restore the rights of direct loading. Both measures failed to pass the House, but a Royal Grain Commission was established in 1899 the report of which led to The Manitoba Grain Act of 1900 which provided for the supervision of the grain trade, weighmasters, access to the scales, platforms for direct loading and flat storage warehouses at the sidings. The elevator system of grain handling proved more effective in the long run, but the act established the principle of government inspection of the grain trade.<sup>46</sup>

Davin had been concerned about the growing evidence of questionable grading practices, and as early as 1896 had moved that a committee of the House be established "to inquire into the present system of grading wheat in Manitoba and the Northwest, and especially as to the frauds whereby it is alleged the farmers are cheated of what they are justly entitled to for their wheat."<sup>47</sup> The government appeared skeptical about the alleged frauds, but promised to look into the matter and introduce legislation if necessary. After the change in government Davin again raised the matter on a motion for papers, but he did not move again for a committee because the session was expected to be short. He did say, however, that the elevator monopoly and the high freight rates cost the farmers several thousand dollars a year, and he advised the House that

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45 James Moffat Douglas was a Presbyterian minister elected in 1896 for Assiniboia East as the candidate of the Patrons of Industry. He later became associated with the Liberal party, and was appointed to the Senate in 1906. See Gilbert Johnson, "James Moffat Douglas," Saskatchewan History, Vol. 7, No. 2, 1954, pp. 47-50.

46 Ibid., pp. 117-18.

47 HCD, Feb. 3, 1896, Vol. 1, c. 1031.



... the farmers of the North-west Territories feel that in regard to the buying of wheat from them, in regard to the grading of wheat, in regard to the system of fixing standards, in regard to the mixing of scoured wheat with their perfect wheat, and in regard to the transportation, they feel that they are at the present time in a state of great disadvantage and in a condition that calls for action on the part of the Government.<sup>48</sup>

Later, with respect to grain standards, he said:

We feel strongly that the grain buyers in Toronto and Montreal have a great deal too much to do at the present time with fixing standards. Their interests are not our interests.<sup>49</sup>

When Douglas moved second reading of his bill in 1898, Davin promised his entire support at all stages,<sup>50</sup> and again in 1899 he urged the House to support the Douglas measure:

I do not think [he contended] there can be any question raised by anyone as to the necessity of this legislation from the point of view of the danger of combination or convenience, or the safeguarding of the producers from loss in consequence of very undesirable incidents, in regard to the purchase of their grain. For my part, I have had evidence thrust upon me from every quarter of the country that this legislation is needed. I hope that the Bill will receive the support of both sides of the House and that it will pass into law this session.<sup>51</sup>

On a government measure to provide for the standardization of grain grading introduced in that same session, Davin attempted an amendment which would give the farmer the right to appeal the decision of the buyer to the head inspector, and while the House felt the device was somewhat impractical,

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48 Ibid., Sept. 14, 1896(2), c. 1195.

49 Ibid., Sept. 25, 1896(2), c. 2053.

50 Ibid., Mar. 17, 1898, Vol. 1, cc. 2079-80.

51 Ibid., Apr. 20, 1899, Vol. 1, cc. 1911-12.



Davin argued that "The legislature cannot be too sagacious in exhausting every means open to legislation, to fence the farmer against the possibility of plunder."<sup>52</sup> On The Manitoba Grain Act itself, Davin, while supporting the principle of the measure, attempted to ensure that the farmer was well protected "against the possibility of plunder." He contended that the farmers were happy to ship through elevators provided they had the right to build their own cheaper warehouses if they felt the elevators did not treat them fairly.<sup>53</sup> He suggested that the elevator operator be required to advise farmers of the daily Winnipeg grain prices.<sup>54</sup> He attempted without success to include in the bill a requirement for the elevator companies to instal cleaning machinery rather than to calculate dockage on an estimated figure based on tests.<sup>55</sup> Finally, when the government moved recommittal of the bill to add a clause requiring those who desired additional flat warehouses to pay for the requisite sidings and spurs, Davin was on his feet immediately, arguing that the requirement would be prohibitive and would deprive the farmers of any "leverage" against a possible injustice by the elevator companies.<sup>56</sup> The North-West members as a body opposed the amendment, but it carried, and the bill passed into law as another example of the force of backbench influence. While neither Davin's proposed committee nor Douglas' bills bore fruit, the display of persistence, initiative and relative unanimity by the members from the

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52 Ibid., Aug. 5, 1899, Vol. 3, cc. 9640-41.

53 Ibid., May 21, 1900, Vol. 2, c., 5764.

54 Ibid., cc. 5766-67.

55 Ibid., May 22, 1900, Vol. 2, c. 5819.

56 Ibid., May 30, 1900, Vol. 2, c. 6258.



North-West and Manitoba undoubtedly had considerable affect on the timing and form of the eventual solution.

Davin debated a variety of other North-West matters during these years in opposition. The Mounted Police, for example, continued to claim his attention, and on several occasions he introduced legislation respecting pensions and promotions.<sup>57</sup> He expressed concern with the drain on the numbers of men available for service on the prairies because of the requirements of the Yukon,<sup>58</sup> and a similar concern over what he regarded as a marked and unwise tendency to make appointments to commissioned rank from outside the force.<sup>59</sup> He again initiated debate for recognition of the claim of the Rebellion services of the Wood Mountain Scouts and Laurier replied in complimentary terms:

... I may say that my hon. friend (Mr. Davin) has shown on all occasions (whether his friends were in office or not) the most creditable efforts to have these claims considered. He has not succeeded so far, but I hope that perhaps the day is not far distant, when his efforts shall be crowned with success.<sup>60</sup>

Davin supported a motion moved by Frank Oliver contending for an increased subsidy to the North-West Territories, and in an appeal to Laurier to cut the leading strings by which the federal government had for so long bound the Territories, he said:

**[The Prime Minister]** is fond of regarding himself as a breaker of manacles, let him break those manacles that are on the limbs of the North-west Territories, let him give the Territories provincial autonomy and the annual subsidy to which it is entitled by reason

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57 See for example ibid., Sept. 8, 1896(2), c. 784.

58 Ibid... Feb. 11, 1898, Vol. 1, c. 404.

59 Ibid., May 7, 1900, Vol. 2, cc. 4787-89.

60 Ibid., May 10, 1897, Vol. 1, c. 2033.



of its population, according to the calculations so ably set forth by my hon. friend [Mr. Oliver] this afternoon.<sup>61</sup>

At the second session of 1896 he refrained from moving first reading of a bill of his own designed to give responsible government to the Territories, since it was a measure which would require the cooperation of the government, "and as the Government had decided not to have any heroic legislation this session,"<sup>62</sup> he had not bothered to have the bill printed. In 1897, when Sifton introduced an amendment to The North-West Territories Act which provided for responsible government, Davin supported the measure. He commented on third reading:

I can say that the most thoughtful people in the Territories have always held the views that I have held; but at the same time there has been no agitation and I have battled for this thing single handed.<sup>63</sup>

He recalled that he had pressed the matter to the point of annoyance on Sir John Macdonald in 1888, and claimed that had his views been followed then or in 1891 when a further change had been made in the organization of government of the Territories, "we should have made more progress than we have done in the North-West."<sup>64</sup> This may have been true, but Davin was surely exaggerating his own influence. There had indeed been agitation for responsible government in the North-West Territories, and Davin had not battled for it single-handed.<sup>65</sup>

Of other events of national importance during this period,

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61 Ibid., Aug. 31, 1896(2), c. 419.

62 Ibid., Sept. 29, 1896(2), c. 2166.

63 Ibid., June 15, 1897, Vol. 3, c. 4117.

64 Ibid., c. 4118.

65 See Thomas, The Struggle for Responsible Government in the North-West Territories, 1870-1897, Chapter 7.



the two most significant, the Yukon Gold Rush and the South African War, were ready-made opportunities for a Tory opposition to "swear horrible" as they mounted their offensive against the policy and administration of the Liberal government. Davin's contribution to debate on the various matters concerning the Yukon which were raised in the House appears to be of little significance except insofar as it shows a determination to probe extensively for evidence of administrative inadequacies. He did, however, advise the Minister, when setting up a system of government for the Yukon district, to profit from the experience of the North-West Territories, and particularly to appoint to the proposed Yukon council some ex-officio members, for this would "minimize the autocratic position of the Commissioner, which is very desirable."<sup>66</sup> When the opposition moved for a royal commission to inquire into charges of maladministration of the Yukon,<sup>67</sup> he urged the government

to see that steps are taken so that this dark cloud which rests on a vast portion of those Territories shall not grow blacker, but that means shall be taken to pierce it, to discover what has caused it, and to punish any persons who may be culpable.<sup>68</sup>

Davin's attack on the Liberal administration ranged from this admirable expression of administrative morality to the level of a political fishing expedition. He placed a question on the order paper asking:

Whether it is true that Mr. Ogilvie, the Commissioner of the Yukon, imposed a duty or tax on women of professed immoral character in Dawson? If so, what was the amount of the tax or license? If so, is it still continued? If so, how much did the first impost yield?

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<sup>66</sup> HCD, June 2, 1898, Vol. 2, c. 6730.

<sup>67</sup> Ibid., June 29, 1899, Vol. 2, cc. 6262-67.

<sup>68</sup> Ibid., July 5, 1899, Vol. 2, c. 6567.



Sifton answered: "The Government have no information ...,"<sup>69</sup> but Davin must have had some foundation for his inquiry, for he had raised this matter earlier in debate. Mr. J. Domville, who had recently been in the Yukon, had assured him that no such tax had been imposed; "Would he not take my word for it, that the women are not taxed out there," asked Domville? Davin could not resist the obvious reply: "I will take his word for anything he will say on that subject, because I know that is probably the only subject on which he is thoroughly well informed."<sup>70</sup>

As for the South African War, Davin's remarks on this subject were little more than a recital of the litany of imperialism, and to him, Laurier's non-committal attitude in the early stages seemed to mark a weakness verging on betrayal:

Here was Canada [he said], this country of imperial proportions, vibrating from end to end with enthusiastic patriotism and determined to rush to the support of the mother country in a great crisis and show Christendom that England had her colonies by her side. Yet at that moment our leader was hesitating.<sup>71</sup>

The liturgy prescribed but one response to the mother country's cry for help:

... if more men and more help should be required, I say we should be forward to let the Imperial authorities know ... that these five millions of men with the blood of the great historic races in their veins are ready to stand by her side and see to it that the empire is not impaired or its prestige dimmed or a shadow allowed to rest upon its glory.

That Her Majesty's French Canadian subjects might not be moved to answer Britain's appeal with this "Ready-Aye-Ready" formula seemed entirely to escape Davin's logic, for, he argued, the French Canadian should be both

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69 Ibid., Apr. 19, 1899, Vol. 1, c. 1842.

70 Ibid., Mar. 24, 1899, Vol. 1, c. 368.

71 This and succeeding quotations are drawn from ibid., Feb. 9, 1900, Vol. 1, cc. 272-75.



proud of and grateful to an empire which had made it possible for "one French Canadian after another, with habitant blood in their veins, [to rise] to the highest positions, [and have] the happy, distinguished and useful careers they had." Thus Davin could

... deplore the hesitancy shown by the Prime Minister -- one week saying: I can't do it, the law is against me, I have no power; and then turning around in less than a fortnight and sending a contingent, and out-Heroding Herod in flaming rhetoric when they took their departure from Quebec. The spectacle of inconsistency, the spectacle of weakness, is something that will never leave the mind of Canada.

Yet with all this imperialistic fervour, it is interesting to note that Davin could at the same time deprecate the use by John Charlton and Sir Richard Cartwright of the contemptuous phrase "semi-civilized Boers." "Why, Sir," said Davin, "they are descended from the choice races of Europe. They have in their veins the blood of the choicest fighting stocks of Europe."<sup>72</sup>

Parliament as well as the party and the public must be part of the frame of reference of men in public life, for upon entering the House of Commons, a member assumes a three-fold responsibility: he must be mindful of the interests of the public he represents; he must be alert to the opportunities for party advantage; and he must be vigilant in preserving the institution of which he is a member. Thus, in assessing the effectiveness of political figures attention must be paid to the parliamentary environment and the relationship between the man and the institution. From Davin's conduct and comments in the Eighth Parliament further evidence is available of his concept of the role of the executive and legislative branches, of the role of the government and opposition, of the

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72 Ibid., Feb. 9, 1900, Vol. 1, c. 274.



role of party and Parliament, and of the complex inter-relationships of the various elements which constitute the British parliamentary system.

His view of the participation of the electorate in the political process and the responsibility of governments to the electorate, he expressed in these words:

Let me lay down this proposition, that from a constitutional point of view, when an appeal is made to the people of the country, and they decide in favour of a given policy, it is a grave and serious evil to that country if that policy is not carried out by the party which comes into power. This appeal is the great wheel of our constitutional system. We believe in an appeal to the public mind at recurring intervals. We go to that public mind and ask for its verdict, and it is of the utmost importance to the constitutional working of our system that that great wheel should be allowed to turn, and that whatever the people have decided on should be carried into effect.<sup>73</sup>

Not only governments, but individual members had a responsibility to the electorate, and on this subject Davin echoed Edmund Burke and Walter Bagehot when he said:

We are not here as the mere delegates of constituencies. The delegate of a constituency, who does just what his constituency orders, does, generally speaking, merely what the leading wire pullers in that constituency require him to do.<sup>74</sup>

It is clear that Davin felt that a member could exercise this responsibility only in the House:

I did not think [he said] that the proper course for a member of Parliament was to creep into Minister's offices and seek to influence them through ministerial whispers; but to speak his sentiments and his opinions in Parliament, and there endeavour to influence the Government.<sup>75</sup>

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73 Ibid., Apr. 27, 1897, Vol. 1, cc. 1329-30.

74 Ibid., May 3, 1898, Vol. 2, c. 4726.

75 Ibid., May 18, 1897, Vol. 1, c. 2486.



Members should not "constitute themselves mere machines for the Whips to use just as they please,"<sup>76</sup> for this would only result in debasing the institution of Parliament. On the contrary, he declared:

This is not merely a deliberative assembly where we come to discuss and debate; this is the greatest and grandest platform of the nation. And as long as that Press Gallery is there we can get to the country, and when we get to the country we reach the source of power.<sup>77</sup>

Consequently, he advised the Patrons of Industry

... that if they want their principles carried out, it is not by silently and tamely lying down behind the Government, but by pressing them in this House and fighting for them like men.<sup>78</sup>

In the same vein he described on another occasion the influence which a government backbencher might wield:

I call ... attention to the fact that a Government does not care very much about the opposition that comes to it from the straight Opposition in the House, because the attack of the straight Opposition is discounted because it is its business to criticize and oppose. But the moment ... a follower of the Government ... stands up and expresses his opinion that a certain course contrary to their policy should be taken, that moment the Government pays attention to it.<sup>79</sup>

The key to the whole process of course, was the government's responsibility to Parliament. Even with its majority in the House, the government was neither above Parliament nor beyond it, for there was no analogy between the parliamentary and congressional systems. "The Government of this country," he said, "is a committee of this Parliament, and Ministers

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid., c. 2487.

<sup>78</sup> Ibid., May 21, 1897, Vol. 2, cc. 2747-48.

<sup>79</sup> Ibid., Mar. 30, 1898, Vol. 1, c. 2833.



are bound to be in their places and to give us information when we are discussing important questions ...."<sup>80</sup> Indeed, Ministers benefited by submitting their policies to the scrutiny of Parliament, for "Parliament is government by speech, and if there be anything that Parliament does, that is worth more than another, it is in the criticism of ministers."<sup>81</sup> Such criticism, he claimed, "has prevented extravagance and excesses in government, that would otherwise have been committed in consequence of forces operating on the department."<sup>82</sup>

Throughout this disquisition on the parliamentary process to which Davin returned from time to time during the course of his career in the House of Commons, there is apparent a certain conviction that Canada was not making the best use of her Parliament, and that greater attention to the spirit of Westminster would be to the advantage of democratic politics and government in Canada.

It would be of immeasurable advantage to hon. members of this House [he said] if we could only bring the methods of the English Parliament into this Parliament, if instead of having two machines here, a Government in power with a hundred and twenty or a hundred and fifty members supporting it, and everyone of them here not to give the country the benefit of his judgement, knowledge and ability, but coming here to watch the leader stand up, and then like jacks-in-the-box up they are --

Some hon. Members. Take it back.

Mr. Davin. I do not say that against your party. This remark applies to every party in this country, because we have not the methods that obtain in the English Parliament.<sup>83</sup>

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80 Ibid., Mar. 28, 1898, Vol. 1, c. 2618.

81 Ibid., July 16, 1900, Vol. 3, c. 10302.

82 Ibid.

83 Ibid., May 21, 1897, Vol. 2, cc. 2749-50.



Parliament, in the British sense, cannot be considered in isolation from party, and party Davin regarded "as part and parcel of our constitutional government ...."<sup>84</sup>

I may say in passing [he added on another occasion] that from any observation I have been able to make, whether in New Brunswick or elsewhere, I have never come to the conclusion that the destruction of party distinctions can be of any advantage in a community which endeavours to carry on government on the British system. I confess I cannot see how that constitutional system can be carried out effectively without party.<sup>85</sup>

In a paraphrase of Voltaire he continued: "... if there were not parties, we would have, in order to work the British constitution, to invent them."<sup>86</sup>

On the other hand, it is one thing to recognize the role of the party system in Parliament; it is another to subvert Parliament to partisanship.

Davin attempted to maintain a balance in this relationship of which the following letter to Sifton shortly after his appointment as Minister of the Interior is interesting evidence.

There is I hope an enclosure outside party politics but within the larger field of patriotic attachment to Canada in which it is permitted men on opposite sides to interchange feelings of courtesy. I am happy therefore to say how glad I am to learn you have been sworn in as Minister of the Interior and to express my strong hope and confidence that in you the North West will have a sympathetic and effective friend.<sup>87</sup>

He expressed similar sentiments in the House some years later:

.... I will always set my face, so long as I have any position in public life, against a government or a member of a government or a member of a party who

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84 Ibid., Aug. 10, 1899, Vol. 3, c. 10200.

85 Ibid., Apr. 9, 1900, Vol. 2, c. 3450.

86 Ibid., cc. 3450-51.

87 Davin to Sifton, Nov. 18, 1896, PAC, Sifton Papers, 1896, No. 2065.



allows party interests and party proclivities to overshadow duty, honour, loyalty to the people.<sup>88</sup>

Again, referring to one of his territorial colleagues, Frank Oliver, he said:

... it was a great pleasure to me to hear my hon. friend's voice once again, and I hope that in this House he and I, while we are colleagues, whether for a long or a short time, will use our united efforts for the good of the Territories, and let us not turn our efforts against each other at the bidding of either party or faction.<sup>89</sup>

These comments too, apropos a vote of \$4000 to erect a statue to the Honourable Alexander Mackenzie, give a measure of Davin's concept of the role of party and Parliament. "The erection of a statue to so representative a man as the late Alexander Mackenzie meets with my entire approval," he said, but he went on to remind the government of "the purest and noblest figure in our history whose name is connected with the Reform party, though the Reform party he led would probably not be quite in line with the Reform party of today. I mean Robert Baldwin, a man whose character stands out in stainless purity in the history of Canada, and whose efforts to bring about responsible government were untiring and statesmanlike." At the same time, he contended that while it was quite appropriate for a party to honour a dead chief, "... there is even a nobler loyalty, and that is the loyalty which we can all share towards a man whose name is no longer connected with the strifes of to-day; and of whose claims on national gratitude there can be no doubt. In the same connection I would say that it is a reproach to Canada and to

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88 HCD, Feb. 19, 1900, Vol. 1, cc. 645-46.

89 Ibid., Aug. 31, 1896(2), c. 423.



administrations both Liberal and Conservative, that no statue has been raised to D'Arcy McGee."<sup>90</sup>

This calm and measured approach to the place of party in the parliamentary system of government did not, of course, mean that Davin was any less effective in the party struggle as it took place on the hustings or in the House. For example, in 1896 he suggested that Virgil's description of Scylla

can be well applied to the Government. It was translated, I believe, by an old poet in this fashion:

At top it shows a gracious face,  
The breast replete with human grace,  
The rest is all an ugly whale,  
With maw of wolf and fish's tail.

We have the gracious presence of the eloquent leader of the Government; we have the maw of the wolf in the person of the Minister of the Public Works Department and some others. In regard to the piscine description, I will not enter into it -- but there is a good deal that is fishy about the party.<sup>91</sup>

At a later session he compared the election promises of the Liberal party with their performance in office since 1896, and suggested that their "unredeemed pledges are so numerous that this government is like a congested pawnshop."<sup>92</sup> Again, when the House was debating an amendment to The Militia Act and the opposition was critical of the number of men without experience in the militia who received commissions as colonels, Davin commented acidly:

I entirely approve of what the Minister of Militia has done for this reason, that it is in entire consistency with the policy of the government. It is humbug from the word go, and therefore, perfectly consistent with their policy all through.<sup>93</sup>

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90 Ibid., July 14, 1900, Vol. 3, c. 10254.

91 Ibid., Sept. 23, 1896(2), c. 1764.

92 Ibid., Apr. 18, 1900, Vol. 2, c. 3845.

93 Ibid., June 1, 1900, Vol. 2, c. 6463.



On another occasion when he contended that if the Liberal government enjoyed any success it was because they had "reaped where the Conservative party sowed," a member interjected to remind him that he had at one time referred to a Conservative government as a "Cabinet of Antiques"; "No," he replied, "the difference between this Government and the Government I called a Cabinet of antiques is, that while that was a Cabinet of 'Antiques' this is a Government of 'antics.'" <sup>94</sup> Somewhat more seriously, he charged the Liberals with having

always the same boundless belief in the gullability **[sic]** of the people, and in humbug. I have more faith in the good sense of the people than hon. gentlemen. I have not so much faith in humbug as hon. gentlemen seem to have, and I do not believe that you can found a policy or a government on diplomatic mendacity, however charmingly it may be put before the people. <sup>95</sup>

In the final analysis, however, Parliament and party, government and opposition, are but amorphous, intangible elements of political theory; the reality is the formal public confrontation of individuals in a personal, cut-and-thrust debate, the rules of which restrict only the grossest calumny so that verbal dexterity can be at once a sure weapon in attack and a safe shield in defence. Davin was completely at home in this environment, and his consummate skill in the forensic lunge and parry sparkles even in the printed word of the Debates of the House of Commons. Individuals as well as governments and policies were targets for his shafts; Israel Tarte he described as "the Mephistopheles of the Public Works, to whom the leader plays the part of Faust." <sup>96</sup> Clifford

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<sup>94</sup> Ibid., Apr. 15, 1898, Vol. 1, c. 3607.

<sup>95</sup> Ibid., July 17, 1900, Vol. 3, c. 10494.

<sup>96</sup> Ibid., Sept. 23, 1896(2), c. 1763.



Sifton and Tarte were referred to on another occasion as "the heavenly twins of the Cabinet -- the Castor of Quebec and the Pollux of Manitoba."<sup>97</sup> In an expression of sympathy for Laurier, absent from the House because of illness, it was Tarte again to whom the barb was directed:

I am glad to know at any rate that my rt. hon. friend the Prime Minister will soon be convalescent, and in fact I have heard -- although I have always understood that my rt. hon. friend ... was a man of great abstemiousness -- I have heard what he is suffering from is partaking too much of pastry; he has had too much Tarte.<sup>98</sup>

Again, Davin was critical of a practice by which the Minister of the Interior arranged for Liberal newspapers in Manitoba and the North-West Territories to receive editorials and letters purportedly from "Our Correspondent in Ottawa," but actually from a central press bureau of the government. He condemned this as a device designed to organize and control public opinion, referring to it scathingly as the "Siftonian Reptile Press."<sup>99</sup>

He could display considerable finesse in silencing the member who would attempt to barrack him during the course of a speech. In debate on Yukon affairs he turned his attention momentarily to an interruption and said: "I thought at first that I heard the Klondike eagle, but it is the Yukon bray."<sup>100</sup> On another occasion when the Speaker called him to order for referring to Mr. R.L. Richardson (Lisgar) as "that man" rather than by the parliamentary mode of address by constituency, this innocent enforcement of the rules of debate gave Davin the opportunity to reply:

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97 Ibid., Apr. 4, 1898, Vol. 1, c. 3044.

98 Ibid., Apr. 6, 1898, Vol. 1, c. 3174.

99 Ibid., Mar. 24, 1899, Vol. 1, c. 379.

100 Ibid., Mar. 7, 1898, Vol. 1, c. 1298.



Did I say that man? I apologize to the hon. member (Mr. Richardson) for calling him "that man." It shows how one, in the heat of debate is apt to forget himself. It would be impossible, with the deepest plummet that ever sounded the depths of the Atlantic to measure the depth of my respect for the hon. member. I am sorry I called him a man. Nothing on this earth would lead me to repeat any such misnomer with regard to the hon. gentleman.<sup>101</sup>

Davin's exchanges with Mr. J. McMullen appear slightly one-sided. The member for North Wellington one day advised the House that he was deterred from going to Regina because Davin resided there, but Davin urged him not to be deterred:

My hon. friend (Mr. McMullen) will have to reconsider his antipathy to being in a place where I am [he said], because I intend to get to heaven, and if he does not wish to be with me, then he will have to go below.<sup>102</sup>

His most famous encounter in the House was with this same member who objected to what he considered to be Davin's claim to superior knowledge of North-West affairs.

Why [said Mr. McMullen], if my brain was as green as the brain of the hon. gentlemen (Mr. Davin), instead of going around with a skating rink on the top of my head, as he does, I could grow hair for sale. Let me tell him that I understand the question quite as well as he does. He must not fancy that when his hat is on, it covers all the brains we have in this parliament. Why everyone who has sat ten years with the hon. gentleman (Mr. Davin) in this House, knows that he has more rooms to let in his upper story [sic] than any man in this parliament.

Davin, quite unabashed, replied:

My hon. friend (Mr. McMullen), has told you, Mr. Speaker, that I have a skating rink on the top of my head. Well, there is no doubt about that. I certainly have a larger amount of forehead to show than the hon. gentlemen (Mr. McMullen); but he did not tell you that

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101 Ibid., Apr. 6, 1898, Vol. 1, cc. 3197-98.

102 Ibid., May 12, 1898, Vol. 2, c. 5492.



there is a sort of similarity even now between us, because the curly locks that fell over whatever forehead he had twenty years ago, are no longer there. He did not, however, tell the House the difference between himself and myself, and the difference is: That though I am more bare-headed than he is, he is more bare-faced than I am.

Then, after a parliamentary interjection of "Oh" from an hon. member,

Davin continued:

The hon. gentleman said that in my upper story there were a large number of rooms to let. Again, he did not tell us the difference between myself and himself. There may be rooms to let in my upper story, and there are rooms to let in the hon. gentleman's upper story; but the difference is this, that mine are furnished and his are unfurnished.<sup>103</sup>

If Davin had a reputation for being eminent in debate and skilful in repartee, he also had a reputation for verbosity. Mr. J. Domville of King's New Brunswick claimed that "he has wasted more time of this House than almost any other man in it," and he assured him that "much as we admire what he says, we shall still more admire it, when it is more briefly expressed."<sup>104</sup> Mr. G.E. Casey (West Elgin) remarked: "It seems there are only two parties in this House, the Government and Mr. Davin,"<sup>105</sup> and Bourassa referred to him as "Almighty Voice."<sup>106</sup> Even members on his own side chided him on this point: Davin rose on a question of privilege to answer a newspaper charge that he had failed in his duty by allowing an important clause of a particular bill to pass without saying a word on it, and Sir Charles Hibbert Tupper interjected with: "I do not believe that."<sup>107</sup>

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103 Ibid., May 10, 1900, Vol. 2, cc. 5055-56.

104 Ibid., Sept. 17, 1896(2), c. 1404.

105 Ibid., May 12, 1897, Vol. 1, c. 2136.

106 Ibid., Mar. 29, 1899, Vol. 1, c. 620.

107 Ibid., June 11, 1900, Vol. 3, c. 7121.



It was Mr. G. Landerkin of South Grey who was perhaps most effective in his criticism of Davin's penchant for debate. Landerkin claimed to have compiled statistics of the 1897 session which showed that Davin spoke 1,023 times, and his speeches occupied 250 pages of Hansard. This placed him second to G.E. Foster who had spoken 1,453 times for 363 pages. Landerkin concluded by quoting a few lines reputedly overheard by a reporter who passed Davin at the gate one evening:

My name is O'Davin,  
I soon will be havin'  
The House to myself  
If I keep on this way.  
My words are abundant,  
My speech is redundant --  
I can speak from the morn  
Till the close of the day.<sup>108</sup>

Davin was, however, quite unperturbed "even though hon. members on that side of the House take flight when I rise up to reply ...."<sup>109</sup> He argued that he was but doing his duty in Parliament while others "slink around corners and into cabooses with the Ministers and colloque with them, get their ears, and, in that way, accomplish great things. And those of us who dare to address the Ministers in this House are accused of wasting time."<sup>110</sup> Even allowing for the natural tendency of opposition spokesmen to speak longer and more often than government supporters, Davin's sense of duty does seem to have carried him somewhat past the normal limits, for the entries under his name in the index to the 1897 Debates occupy some two and three-quarter columns, while those under the name of the

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108 Ibid., June 4, 1898, Vol. 2, c. 7019 ff.

109 Ibid., Sept. 22, 1896(2), c. 1741.

110 Ibid., May 18, 1897, Vol. 1, c. 2487.



Prime Minister are contained in three columns. Again, in 1899, Davin's entries take three and three-quarter columns, while only one more column is required for the Leader of the Opposition.

This personal exchange, this good-natured if pointed give and take, had been, of course, part of Davin's debating style from the moment he entered the House in 1887, but in this Parliament in which Davin sat in opposition an increasing bitterness between Davin and other individual members, particularly his North-West colleagues can be detected. As an example, something in Oliver's attitude towards him moved Davin to charge that the Alberta member was motivated by a desire to

rise up and appear the protagonist to an indifferent and incapable member like myself, who has so badly, for ten years, represented the North-west in this House, and who has now to sit at the feet of this highly cultivated Gamaliel, and highly modest gentleman, who comes here to give me instruction.<sup>111</sup>

At a later session he referred to the "miserable, wretched, insect spirit" manifested by Oliver.<sup>112</sup> He traced with some sarcasm the circuitous route followed by Douglas of Assiniboia East who claimed first, according to Davin, to be an Independent Patron, and then an Independent Liberal, then an Independent Conservative Patron, and an Independent Liberal-Conservative before becoming a Liberal Grit Patron. "However, I am told now that the hon. gentlemen has blossomed into a full Liberal, and attends the Liberal caucus."<sup>113</sup>

The intense bitterness which existed between Davin and T.O. Davis of Saskatchewan could barely be contained by the rules or conventions

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111 Ibid., Oct. 1, 1896(2), cc. 2399-2400.

112 Ibid., Apr. 21, 1897, Vol. 1, c. 1044.

113 Ibid., May 14, 1897, Vol. 1, c. 2358.



of parliamentary decorum. Davis described one of Davin's speeches as "a driftwood of ideas in a sea of self-conceited verbosity,"<sup>114</sup> and Davin himself as filling "the same role in this House that the clown does to a circus, or the end man to a minstrel troupe."<sup>115</sup> Davin, on the other hand, after being repeatedly interrupted by Davis, said:

Mr. Speaker, I call your attention to that boor from Saskatchewan, and I would ask you to keep him in order, or, if not, I will take the hon. gentleman (Mr. Davis), in hand, and bring my whip down on his back, and make him rear so that he will not know where he is.<sup>116</sup>

The next day Davin rose to correct a newspaper report of "a rather one-sided wordy duel" between himself and Davis in the corridors, saying:

"... there could be no wordy altercation between us, as, outside of this Chamber, I do not exchange courtesies with the hon. member."<sup>117</sup> Again, there appears to be more than parliamentary repartee in this retort to an interjection from McMullen:

What a ghoul that is waking up from his crass dreams of stupidity! What a wretched moral ghoul the member for North Wellington is, making a remark like that, meaningless, having nothing to it, coming out of the malignant recesses of a heart that has never been able to learn humanity, as long as he has lived.<sup>118</sup>

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114 Ibid., Mar. 27, 1899, Vol. 1, c. 422. Thomas Osborne Davis was a merchant and former mayor of Prince Albert. He was elected to the House of Commons in a byelection in 1896, and sat as a Liberal for Saskatchewan. He was appointed to the Senate in 1904.

115 Ibid., June 26, 1899, Vol. 2, c. 5887.

116 Ibid., March 12, 1900, Vol. 1, c. 1760.

117 Ibid., Mar. 13, 1900, Vol. 1, c. 1788.

118 Ibid., July 28, 1899, Vol. 3, c. 8900. The Deputy Speaker intervened to say: "The hon. gentleman will withdraw the expression 'stupidity.'"



Similarly, it is legitimate to question why Davin felt he had to turn on another interruption with this retort: "Will that bleached negro keep quiet?"<sup>119</sup> Of course, it could have been that Davin had had things all his own way for too long. From 1887 to 1896 he had been one of a comfortable and commanding majority in the House, and his territorial colleagues, amongst whom he was by all measures the leading backbench spokesman, had confessed the same political faith. Now, in opposition, he lacked the moral support of sheer numbers, and as the lone Tory from the North-West, the authority with which he had formerly spoken on territorial matters was frequently challenged. Yet surely Davin was too experienced in the ways of politics and Parliament not to have been prepared to make adjustments consequent to the changes in representation. He could not have expected Laurier to lean on him as an adviser on North-West affairs; he knew that Oliver and Douglas and Davis would take issue with him from time to time; he could have anticipated a certain arrogance amongst government supporters confident in their command of the House. There must be some other explanation for the acrimony which in these later years all too frequently intruded itself into Davin's relationships with his fellow-parliamentarians, and the explanation might be that his political opponents were determined to discredit him in the House and the country in order to effect his personal defeat and the elimination of Tory influence in the North-West. Indeed, Liberal members took every opportunity to charge Davin with having consistently spoken one way and voted another,<sup>120</sup> and Davis particularly was zealous in his attempts to demonstrate that Davin, as editor of the

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119 Ibid., Aug. 2, 1899, Vol. 3, c. 9208.

120 See for example ibid., Sept. 24, 1896(2), c.1941.



Regina Leader, had been the recipient of patronage from the Conservative government.<sup>121</sup> While it is mere speculation to assume that this was part of a plan to defame the member for Assiniboia West, it is clear that Davin could anticipate the full weight of the attack during the next election campaign.

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121 See for example ibid., Mar. 1, 1900, Vol. 1, c. 1115, and ibid., Mar. 7, 1900, Vol. 1, c. 1464. The Public Accounts Committee investigated this matter and reported the evidence to the House without making recommendations or submitting findings. See ibid., July 16, 1900, Vol. 3, cc. 10316-17.



## CHAPTER XI

### REGINA LIFE AND LETTERS

Politics and journalism, with their attendant excitement, cares and troubles, were only a part of Davin's life after 1883 as before. He continued to nourish the life of the mind, and his book-lined study was at once a retreat and a base of operations. His room above the Leader office was spacious, light and pleasant, with windows looking out over the scattered houses of Regina to the prairie in the distance. Law books lined one wall, "but on the other three you could browse among the literatures of the world."<sup>1</sup> It was a working library, and many of the books, like his multi-volume edition of Shakespeare, were interleaved with notes. The bulk of Davin's writing during these busy years was naturally determined by the dictates of politics and his profession, but his interests ranged far beyond that. Some of his pieces were examples of simple but competent story-telling;<sup>2</sup> some required merely the skills of an editor<sup>3</sup> or the gifts of an observant reporter<sup>4</sup>. A substantial amount of his writing, however, covered a wide spectrum from the classics to poetry to

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1 Bernard McEvoy, From the Great Lakes to the Wide West, (Toronto, 1902), p.274.

2 See for example Nicholas Flood Davin, "A Twelfth-Night Eve, Forty Years Ago," The Week, Vol. 9, Jan. 8, 1892; and Nicholas Flood Davin, "Rough and Ready Justice," unpublished ms, AS, File SHS 14.

3 See for example Nicholas Flood Davin, Editor, Homes for Millions, (Ottawa, 1891). For an account of Davin's role as editor of this immigration pamphlet see C.B. Koester, "'Mr. Davin's Pamphlet on the North-West': A Bureaucratic Comedy of Errors," Saskatchewan History, Vol. 16, No. 1, 1963.

4 See for example Nicholas Flood Davin, "The North-West Farmer," The Week, Vol. 6, Dec. 7, 1888, and Jan. 4, 1889.



political commentary, and the theme which predominated, and which he approached from many directions, was the contribution of the cultivated mind in resolving the practical problems of everyday life, the relationship between culture and practical power.

In 1882, before coming to Regina, Davin had published privately a small collection of poetry entitled Album Verses and Other Poems.<sup>5</sup> Some of these reappeared in 1884 under the title Eos -- A Prairie Dream and Other Poems,<sup>6</sup> and this volume too, with revisions in both text and title, appeared again in 1889 as Eos: An Epic of the Dawn and Other Poems,<sup>7</sup> "the first purely literary work printed and published in the North-West Territories."<sup>8</sup> This latter volume was produced because Davin thought "the cultivation of taste and imagination as important as the raising of grain," and he hoped that his poems would prove to be "a step towards the creation of a Canadian literature," "a small beginning of great things," for he contended that "before a great poet can arise there must be a large number of writers to prepare, not merely the mind of the nation for him, but to accumulate material on which his more plastic hand shall work."<sup>9</sup>

The major work of the volume is the title-piece, "Eos: An Epic of the Dawn," a dream-frame poem in which the author, dreaming, is swept up by the Goddess of the Dawn and carried in "her lambent car

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5 Nicholas Flood Davin, Album Verses and Other Poems, (Ottawa, 1882).

6 Nicholas Flood Davin, Eos -- A Prairie Dream and Other Poems, (Ottawa, 1884).

7 Nicholas Flood Davin, Eos: An Epic of the Dawn and Other Poems, (Regina, 1889).

8 Ibid., Preface.

9 Ibid.



across the sky" as she heralds a new day to sleeping earth. The dream vision is justified in the first few lines in which something of the author's own character emerges:

Illusion makes the better part of life.  
 Happy self-conjurors, deceived, we win  
 Delight and ruled by fancy live in dreams.  
 The mood, the hour, the standpoint, rules the scene;  
 The past, the present, the to-be weave charms;  
 White flashing memory's fleet footsteps fly,  
 And all the borders of her way are pied  
 With flowers full glad e'en when their roots touch quick  
 With pain.

His faculty of description is displayed with pleasing effect throughout the poem, but the core of the work is to be found in the conversation of Eos and her passenger. Inspired by the passing parade below, the two discuss God, man, the world and time, and the poet attempts to reconcile the conflicting elements in man to whom God has given the goodness of the earth. "How fair this world," cries the dreamer, and Eos replies:

Aye Fair, ...  
 Fair the bright flowers whose eyes are fair for mine;  
 Fair snowy falls and stream and fell and vale;  
 The farmer faring nimbly to his fields,  
 His bucksome wife loud-chucking for her hens;

\* \* \* \*

Aye fair the world! but did I make you see  
 The ceaseless, measureless flow of heart-wrung tears,  
 And hear the chorus of vast woeful sighs!  
 Fair were this world, were but men's actions fair.

As good is blotted out by evil, liberty blinded by licence, and justice muted by vengeance, so too is man's wisdom dulled by ignorance. It is in ignorance that he turns away from God:

Debased  
 Their pur-blind hearts conceive he'll come at call  
 Of spells in dim-lit holes, and that he loves  
 Oppressive smells, who makes wild trees and shrubs  
 To load the wind with perfume.

Yet oppressive as this view of man may be, the Goddess does not despair of the salvation of mankind. Eos reminds her passenger that man has the



will to bring his soul in touch with God:

If man would reach the highest possible  
He must, like Enoch, walk with God; ...

Mankind therefore can attain salvation through the will, the divine image and the universal law of change:

But still things onward move;  
And though the curve that's near will seem depraved,  
And is, in time's large circles progress lives;  
And 'tis permitted generous hope to keep,  
That in a far off day the dull will honour  
Worth with other meed than hate. The heart  
Of mediocrity will sweetened be  
By sweet benevolences born of time  
And sad experience. Benefactors wise  
Of men will then not have to wait till death  
For their reward; but many a lapsing year  
Must pass, before the harp from which the Fates  
Will strike this music has been made, and oh!  
How many thousand times my burning wheels  
Will lighten o'er this earth before I can  
Announce that happy morn.

"Eos" is not great poetry: it is neither original nor profound in its philosophical insights; on the other hand, however, it is no casual bit of rhyme and metre. Davin drew freely on the ideas of the great thinkers of Western civilization; he was influenced by the whole intellectual climate of his age and circumstance; and in the discipline of poetry which reflects the blank-verse tradition of Milton, Wordsworth and Shakespeare, he articulated his own personal philosophy. "Eos" is unique, therefore, because it sets forth very competently, in a carefully integrated poetical illusion, the terms of reference of the life of its author who would admit to no anomaly in being a poet in politics.

The remainder of the volume consists of some two-score poems of varying quality. Some, such as "The Charitable Nightshirt" and "The Landlady's Daughter," are humorous stories a step or two removed from doggerel. A few appear to be simply rhymed accounts of personal experiences somewhat overworked with sentiment. Others are dedications -- to



Sir John Macdonald, to Lady Macdonald, to a dinner, to Young Canada.

Many demonstrate flashes of the author's gift, but fail to maintain a consistent standard throughout. One of these, however, shows a depth of religious feeling far more profound than his colleagues in the House of Commons or his fellow editors in the North-West Territories might have expected. In "The Prayer" the poet asks:

Tell me did he hear thee maiden?  
 Did he grant thy gentle prayer?  
 Does he rest the heavy laden?  
 Is there balm for wounding there?

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Where he dwells in vast seclusion,  
 Which not fancy's wing can reach,  
 Does he heed the fond illusion,  
 That he recks man's feeble speech?

Say, did bright-robed angels flutter  
 O'er thy young form bending there?  
 Did some voice mysterious utter,  
 Sure responses to thy prayer?

And the maiden replies:

Angels bright-robed may have flutter'd  
 O'er me bowed in sorrow there,  
 But no voice mysterious utter'd  
 Aught responsive to my prayer.

Only in my heart I felt where  
 Softly Jesus gently stirred,  
 And around me as I knelt there,  
 All the effluence of the Word.

Yes, Lord! coarse sense failed to hear thee,  
 Sense made dull by sin's black wine,  
 Yet my God I knew thee near me,  
 And my spirit touched by thine.<sup>10</sup>

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10 For a more extensive account of this volume of poetry see C.B. Koester, "Nicholas Flood Davin: Politician-Poet of the Prairies," The Dalhousie Review, Vol. 44, No. 1, 1964. Davin published other poems as well. See Nicholas Flood Davin, "Three Sonnets," The Week, Vol. 7, Jan. 31, 1890, p.139; "Sonnets," ibid., Mar. 7, 1890, p.214; "Dionysius," ibid., May 16, 1890, p.374; "Crop Prospects in the North-West," ibid., June 27, 1890, a sonnet inspired by a thunder storm over Regina; and Grace Tinning, (n.p., n.d.), a poem commemorating the death of a 14-year-old girl who drowned in the Regina reservoir on Aug. 3, 1894.



While "Eos" was essentially a work of social comment, other items from Davin's pen were more academic. He wrote of Horace as an author who "pleases us more as the shadows lengthen";<sup>11</sup> he engaged in a conversation with an ancient Roman, a contemporary of Horace, and in fantasy talked with him of the life that was;<sup>12</sup> he ventured into theology in "Aeschylus and the Bible";<sup>13</sup> and he engaged in a theological disputation on the Westminster Confession.<sup>14</sup> Yet Davin much preferred to relate his classical scholarship to modern social and political problems, and he did this at times with the light touch of the popular philosopher. He brought Plato and Canadian politics together in a series of fourteen imaginary "conversations" published in The Week in 1890 under the title "A Modern Mystic."<sup>15</sup> A small group of friends met on the grounds of the Parliament Buildings in Ottawa; they took Sunday tea together at the house of "Madame Lalage"; they lingered over dinner with "Dr. Facile, M.P.," "George Rectus, M.P.," "Professor Glaucus" and the ladies; and in the course of the summer the author escorted his imaginary friends to different points of interest in the North-West. The same group appeared again in 1892 in ten articles entitled "The Archic Man."<sup>16</sup> Throughout both

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11 Nicholas Flood Davin, "Horace," The Week, Vol. 7, Apr. 11, 1890, p.293.

12 See Nicholas Flood Davin, "In the Tomb of Agrippa," The Canadian Magazine, Vol. 12, 1898-9, pp.352-5.

13 Nicholas Flood Davin, "Aeschylus and the Bible," The Week, Vol. 9, Feb. 19, 1892, p.184.

14 Nicholas Flood Davin, "A Theological Thaw," The Week, Vol. 7, Mar. 7, 1890, p.214.

15 Nicholas Flood Davin, "A Modern Mystic," The Week, Vol. 7, June 6 to Nov. 7, 1890.

16 Nicholas Flood Davin, "The Archic Man," The Week, Vol. 9, June 10 to Nov. 4, 1892.



series, issues relating to government and politics were discussed in philosophical terms. Problems of party and faction, of caucus and constituency were debated. In one such discussion "Dr. Facile" defended the authority of the caucus and the leader. He conceded that the Member of Parliament who acted as he conceived to be right with little regard for either constituency or party would play the manly part, but he would be no earthly use to his party and would have difficulty in being re-elected.<sup>17</sup> Another member of the group deplored the fact that "in modern politics the politician has to give up so much time to managing King Democracy, he has no time for thought and reading, and without meditation no man can become great."<sup>18</sup> On another occasion the point was made that the electorate "cannot distinguish spurious and superficial gifts from real powers of mind. When they are convinced ... they have found a great man, they make an ideal of him, and fancy that nature exhausted herself in producing him."<sup>19</sup> These situations clearly reflect issues which were very real problems to Nicholas Flood Davin, M.P.

Davin used the same technique of an imaginary conversation in "Dialogues of Men Who Were"<sup>20</sup> in which he was even more explicit in his criticism of the practice of politics in Canada. Macdonald, McGee, Hincks and Disraeli meet in some after life. Disraeli postulates:

Democracy [in Canada] has before it, I fear, a task beyond its powers. In that modern monstrosity, Constitutional Government, you need the mutual counteractions of great diverse interests. For individual

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17 Davin, "A Modern Mystic," The Week, Aug. 22, 1890.

18 Ibid., July 25, 1890, p.534.

19 Ibid., Aug. 15, 1890, p.586.

20 Nicholas Flood Davin, "Dialogues of Men Who Were," The Week, Vol. 10, June 7, 1893, pp.751-2.



eminence you need an intellect formed with great ideas and a moral nature vibrant with noble aspirations. For national greatness you require the inspiration of the poet and the dream of the future. You want the grandeur of thought which comes from purity of race, an aristocratic class, the spiritual idea. You must have noble emotion; practical power must move forward side by side with ideal genius. The steam engine is all very well; you want more than steam. A Barbarian can run a steam engine, or burn powder scientifically, or manage a warehouse. All is darkness and all is gloom ... but ever and anon, from out the clouds a star breaks and glitters, and that star is -- poetry! Who were the great men who made Hebrew literature and evolved the Semitic idea, who and which rule modern civilization? Poets. Can the star of poetry shine through the cloud and mist of an amorphous democracy? Believe me, Sir John, the world cannot get all its illumination from tallow chandlers.

McGee agrees, but claims that "all these things are in human nature as the flower is in the bud," and need only the "sun of prosperity" for "the leaves of its beauty to unfold themselves and the sweetness of its aroma [to] be flung abroad for the delight of mankind." Hincks claims to have a far from gloomy view of the democratic electorate, but states: "It was long clear to me, however, that what with the caucus, the increase of the money power in elections, the influence of democratic envy, the growth of political aspiration out of all proportion to the growth of political capacity, the impatience of leaders of independence of thought, the dwarfing influence of what is yet an absolute necessity -- close party organization -- there is a tendency to a minimum of intelligence in a representative ...." He goes on to argue that "One of the most important functions of Parliament is that of being an instrument for the instruction of the nation and for enabling it to arrive at just and wise conclusions on matters affecting its welfare. It follows that Parliament should consist of the most intelligent, educated and enlightened men that are found in the whole community, and hence that Ministers of the Crown should be the



most enlightened men in the House of Commons." Macdonald stated his view that the present system turned up men who were perfectly capable of representing their constituencies; "A member of parliament," he said, "does not need to do an algebraic equation in order to vote -- and that is about all I ever cared to have them able to do." Disraeli agreed with Hincks that the vital element "in making a great nation in a democratic country [was] an enlightened parliament and a ministry intellectually strong; ..." Yet he despaired of Parliament, while Macdonald claimed that experience with parliamentary government in Canada would surely give him a more sanguine view, for under Canada's democratic institutions "material and social progress flourish," and a trip across the nation on the Canadian Pacific Railway would act as a tonic for the most jaded politician. "But," replied Disraeli, surely speaking Davin's part, "I am told you have no literature, no poetry, and that crawling, not climbing is the sure means to political success."

"Dialogues of Men Who Were" was a statement of the truth as Davin saw it, delivered in jest. He had been deadly serious, however, in seven articles on "The Reorganization of the Cabinet"<sup>21</sup> which were published in The Week commencing in October 1891. He argued that J.J.C. Abbott, who had succeeded to the premiership on the death of Macdonald, had an opportunity to make himself even stronger than his predecessor if only he would reconstruct his cabinet on the basis of ability. The people of Canada, he wrote, "are heartily sick of ignorance, incompetence and imbecility in high places."<sup>22</sup> He was treading on dangerous ground in thus impugning the ability of the Conservative party hierarchy, but he did admit that the old system admirably suited Macdonald who had been able to

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21 Nicholas Flood Davin, "The Reorganization of the Cabinet," The Week, Vols. 8 and 9, Oct. 16, 1891 to Mar. 18, 1892.

22 Ibid., Vol. 8, Oct. 16, 1891, p.734.



attract men who "... though they never concealed that they did not like all his methods -- followed him faithfully to the end, and worked for him in public and in private so as to affect tangible results -- men who would never think of allowing egotistical ambition or personal grievance or private pique to influence their public conduct."<sup>23</sup> He spoke of the party system as it existed in Canada as "tending to destroy independence, and destroying independence it has a tendency to a minimum of ability in the representative."<sup>24</sup> Yet it was faction, not party, which was the greatest threat to the welfare of the state, and under Macdonald, unfortunately, faction had determined the construction of a cabinet. Davin certainly was not the man to blush in assessing his own abilities, and there is no doubt he would have been quick to accept a cabinet post had one been offered. Still, he was not here simply arguing his own case; there was a principle at issue as well, and the principle ran far deeper than personal preferment. Fame had been the spur of Davin's ambition from the beginning; he sought fame as others sought wealth and power. Yet he was prepared to pay for his fame by placing his talents at the service of his countrymen. Those who saw Davin as eager simply for political power or personal prestige were mistaken; service was his quid pro quo for fame; and, he wrote, "There is no service to one's country in distributing patronage, or having 'honourable' before your name or drawing eight or nine thousand a year, but there is in devising wise measures, in redressing grievances, in allaying perilous passions, in sweeping away prejudices, in seeing as far as in you lies that the poor shall not be squeezed and plundered by the rich and powerful."<sup>25</sup> The cabinet, properly constructed, offered a

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23 Ibid., Oct. 23, 1891, p.749.

24 Ibid.

25 Ibid., Nov. 6, 1891, p.782.



man of talent and ability opportunities both for service and for fame. Davin was ambitious for ministerial rank in order to use his talents and abilities more effectively in public affairs, in order to further the ends of justice and to promote tolerance and understanding throughout the nation, and thereby to achieve fame.

This desire to serve was deeply embedded in Davin's concept of a truly liberal education. The concept emerges in an essay inspired by his reading of Piers Plowman<sup>26</sup> entitled "Culture and the Dawn of Freedom"<sup>27</sup> the theme of which is that "There is a close relation between literary genius and the passion for the welfare of the people, -- between the desire to serve humanity and liberal studies." Indeed, "With Piers Ploughman or Walter de Map<sup>28</sup> in hand the truth irresistibly occurs to one that it is not in the main to statesmen, still less to lawyers or ecclesiastics, but to literary men -- to culture, in a word, we owe our freedom." The first blow for freedom against kings and churchmen was struck when a literary class emerged "independent of ecclesiastical garb and privilege." Their work slowly bore fruit, and in England in the Fourteenth Century "A great political movement went forward side by side with a powerful intellectual movement. They acted and reacted on each other -- but an intellectual movement gave the first impulse to the political." Thus down

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26 The Vision Concerning Piers Plowman, which is regarded as the most important work in Middle English with the exception of Chaucer's Canterbury Tales, is attributed to William Langland who is supposed to have written three versions of the poem between 1360 and 1399.

27 Nicholas Flood Davin, "Culture and the Dawn of Freedom," The Week, Vol. 7, Jan. 17, 1890, pp.103-4.

28 Walter Map or Mapes, who flourished about 1200, was a Welshman and archdeacon of Oxford under Henry II. He was the author of the satirical miscellany "De Nugis Curialium" formerly attributed to St. Augustine.



through the centuries it was the men of genius who proclaimed the great principles of freedom: from Chaucer's claim "That he is gentil that doth gentil dedis," to Burns' "The rank is but the guinea's stamp," to Dickens "in our own day." "The monarch, the statesman, the soldier, the lawyer, the parson, the priest have all at one time or another oppressed the people. But the voice of literature has ever been the same -- true to nature, to humanity, to God! Genius is, indeed, itself a true and solemn consecration." Davin did not pretend to be a literary genius; his voice lacked the range, the depth, the timbre, the resonance; but he saw himself part of the chorus, and his voice, however small, contributing to the collective voice of literature. He thus acknowledged his own consecration to nature, to humanity and to God.

Davin did not see culture simply as a means to attain some abstract concept of freedom; it was, as he told an audience at the opening of Lansdowne College in Portage la Prairie on November 11, 1889, the means to practical power. "The power of adapting means to ends is what we call practical power, and in proportion as we can adapt means to ends are we practical men."<sup>29</sup> Such power is a power of the mind, and "as we increase the vigour and quickness of the mind ... we increase its practical power." There are many, certainly, "who think a liberal education calculated to retard a man in what in their view is the most practical of all things -- the race for wealth. They think learning unfits a man for ordinary everyday life." Yet surely the instructed mind is more resourceful in every emergency of life than the uninstructed, and what is true for the individual is true also for society. It was no accident that "Athens stood first in

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29 This and succeeding quotations are drawn from Nicholas Flood Davin, Culture and Practical Power, (Ottawa, 1890).



Greece, because Athens was more highly cultured than any of her rival cities. The state which encouraged literature, philosophy and art, also encouraged trade ...." Moreover, God himself chose poets "to proclaim the highest truths to man ...." "I say, therefore, that if we look at the dealings of God with man we shall come to the conclusion that whatever may be the business of life we engage in, the chances are that if we have highly cultivated minds we shall succeed better than if we are merely trained with a view to special functions. Christ chose humble men for his apostles; but for the great work of converting the gentile world, and building up a dogmatic christianity, he took, as one born out of due time, that highly cultivated, ardent Pharisee, Saul of Tarsus." Civilization has equalized man's physical qualities; where the strong arm ruled in the past, "It is the strong head rules today." Rejoice, then, that culture, the means to practical power, is today within reach not only of the wealthy, but of every child with any aptitude; and "Thank God that pioneers as you are -- in a new country -- in a small town -- you can be not merely the architects of happier fortunes than could be within your reach in more crowded fields, but can have at your very door the means of the higher education of your children, where science, languages, history, the classics, political economy, the arts of commerce themselves, may be mastered, and on terms so moderate as to vindicate the essentially democratic character of the institution."

When Davin spoke to the annual banquet of the Canadian Press Association in Toronto in 1895,<sup>30</sup> he took up this same refrain: the

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30 See Press Banquet at Toronto, (n.p., n.d.). Aside from a pencilled date, the microfilm of this item held in AS gives no indication of place, publisher or date. It appears to be a reprint of a newspaper report of the banquet.



contribution which the cultivated mind could make to public affairs; the relationship between culture and practical power. It was a convivial occasion: the seating capacity of the rotunda of the Board of Trade was taxed to the limit; T.H. Preston of the Brantford Expositor was in the Chair; Sir Mackenzie Bowell, formerly of the Belleville Intelligencer and now Prime Minister of Canada, was the first speaker; and Goldwin Smith of The Week made his contribution to the evening. Davin spoke of that "order of mind that seeks literary expression"; it was, he claimed, "of the best order and well adapted to the task of government." He cited a long list of British and Canadian journalists who had made their contribution in politics, and he praised the press for "The direct benefit conferred on Parliament and the country by the supplying of able and instructed men who carry into council, committees, debate, accumulations of co-ordinated facts, minds trained to thinking and disquisition, and a mastery of expression which aids the work of legislation, adorns discussion and enhances the value of Parliament as an educative force ...."

There was a utopian splendour in Davin's conception of culture. While he could speak of the literary mind, of "an aristocracy of knowledge,"<sup>31</sup> it was to him no inbred clique of arrogant intellectualism, but an instrument for the expression of the nation's own genius. As such, it deserved the patronage of the State, and in an article prepared for publication some time between 1893 and 1900, Davin pleaded the case

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31 Davin, Culture and Practical Power, p.6.



for the encouragement of a national literature.<sup>32</sup> He recalled that a group of M.P.s had once approached the Prime Minister, Sir John Abbott, to ask if the position of certain young poets employed in the public service could not be improved. In reply, Abbott said simply, "Can't they sell their poems and make money out of them?" Davin then went on in his article to show what he meant by a national literature and the functions it would fill in a community. He cited the Bible as the national literature of the Jews in which

... you behold the march of a marvellous race, a people unique for hundreds of years; you see them and hear their cry in bondage; their shout of triumph mingles with the sigh of the sea; their meannesses, defeats, victories, naïve idylls, lyric songs; their sublimities and zeniths; their zeros and vile descents; their wisdom and folly. You live in the palaces of their kings; kneel with them in private prayer; you work in the harvest field; you learn to know those primitive husbandmen; their wives and daughters; a few words and millions are introduced to the gentle Ruth, or to the dark, inscrutable Jael; prophets, statesmen, orators, poets, priests, kings, all brought before us by a few bits of writing. Literature can in a true sense say: "Race -- nation -- c'est moi."

He argued that Canadians, speaking the tongue of Shakespeare, have inherited the whole wealth of English literature; "But this cannot supply all our needs. We have a national existence of our own.

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32 Nicholas Flood Davin, "A National Literature," unpublished ms in AS, File SHS 14. The ms is typewritten on twelve legal-size pages, and the first ten pages have been extensively revised in Davin's hand. One of the revisions deleted a specific reference to Louis H. Frechette and Charles G.D. Roberts whom Davin described as "two living men of genius" who had both produced "first-rate work," but he added, "no one can read them without feeling they are capable of even better things. Here at least neither has met with the stimulus of a due response." Elsewhere he spoke of "our much lamented friend Archibald Lampman" who had been amongst those poets in the public service on whose behalf a delegation of MPs had waited upon Sir John Abbott.



There is a Canada to be expressed; an eminence to be sought which we cannot reach without that which is to a people what the higher faculties of the mind are to the man." He proposed that "The millionaires should now begin to endow chairs to encourage original literary effort." He recognized, however, that wealth was by no means a measure of a patron's taste and judgement, and he cautioned that "the public," as represented by the wealthy patron alone, "does not protect the literary man for what he is as well as for what he does; it pays for what it gets and its standard is necessarily conditioned on its culture. It encourages hasty writing, sensationalism, the over much and the over paltry, and is inimical to distinction and reserve." On the other hand, the great noble as a patron of the arts had more to give than wealth alone: "... in addition to a delicate friendship, the society of women with inherited graces, an environment breathing distinction and ease; ancient traditions; that imposing trinity -- the venerable, the beautiful and the great."

He developed his argument for State participation in terms of French literature of the Seventeenth Century which he saw as "an instructive example of what great things a ruler and leader may do for literature and how amply literature can repay"; and he asked whether Canada could ever hope for a statesman who would foster a Canadian literature. "What an effect would be produced on Canada and on the world should a great Minister arise whose insight and foresight, whose grasp and philosophical breadth will include the direction of that which emanates from the soul of a people and reacts on it in stirring and creative waves of power." While Canada had not produced great writers, he contended that there was no reason why it should not; "... under kinder influence" Canada's literary men would "have grown larger and produced better work, work more masculine and surer of itself." "What a country we have in Canada with its mighty



rivers and lakes; its mountains; its mines; its vast works; its forests; its wheat areas -- if some man only arise who will put it all for us into words that could not die." Finally, in a long concluding sentence which reflected the frustrations of his own career, Davin summarized his case for a national literature: "Only a national literature can raise a nation to perfect unity and single ardour and make possible a generous statesmanship independent of petty clamps, ignoble props, rising in grandeur above clouds of faction and even the storms of party, broad based upon a people's will and crowned by the clear approval of an enlightened opinion, whose purity and splendour are drawn not only from the past, but from the future as well -- that future for which foresight works and whence genius draws its best inspiration."

Although the British Empire had ever been among Davin's basic intellectual and political assumptions, his imagination was fired by the aura of imperial destiny which culminated in Queen Victoria's Diamond Jubilee in 1897. Even before that, however, on May 17, 1893, Davin had appeared before an audience of Montreal Irish arguing the case for Home Rule in the interests not only of efficient and effective local government for Ireland, but in the interests of the Empire as well.<sup>33</sup> He told his audience that as an Irish Protestant advocating the cause of Home Rule "a hundred guns have been turned against me," and it is significant that within weeks of this speech leading Orangemen in Canada were seeking to discredit Davin in the eyes of his constituents.<sup>34</sup> It is to his credit that he had the courage of his convictions, for his own political problems were delicate enough without being further bedevilled by an imported Irish

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<sup>33</sup> Nicholas Flood Davin, Home Rule, (Toronto, 1893).

<sup>34</sup> See above Chapter 9.



issue. His argument was sound: union had been a miserable failure; "It was made," according to Davin, "under such auspices that God and man forbade the bands [sic]"; and Home Rule was but a means to make union more effective by giving Irishmen control of local affairs. He regarded the opposition of the Protestant Irish as a crime; he claimed that they ought to have identified themselves with the movement and thus helped to bridge "the chasm of estrangement between them and the mass of the people"; and he predicted that the policy would ultimately triumph, for Home Rule was a popular cause in Ireland and abroad, it had the momentum of an aggressive movement and it was the type of burning question which any ambitious politician would be happy to pursue.

Davin may have seemed to flirt with the ideas of the Imperial Federation League<sup>35</sup> in the 1880s and '90s as he had with the Canada First movement in the 1870s. He had opposed Cartwright's motion for commercial union in 1888, and he was to support the idea of an imperial preference in the tariff towards which both Liberals and Conservatives were inclined in the late 1890s. Yet he avoided the extravagant temper of the Imperial Federationists, and although his ideas on the subject were never fully developed, he appeared to conceive of the Empire in terms somewhat akin to the modern Commonwealth. Canadian Confederation, he had told the press banquet in 1895, was but "a foreshadowing of what will take place in another quarter of a century -- the index finger pointing to a great British

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35 The Imperial Federation League had been founded in the United Kingdom in 1884 to promote co-operation between Britain and the colonies. A branch was organized in Toronto in 1887 under George Denison, formerly of the Canada First movement, specifically to combat the idea of commercial union. The League was disintegrating by the 1890s, but its twin legacies, imperial preference and colonial participation in imperial defence, were to remain vital elements in Canadian politics for some time.



nation, allied with the mother country yet freely working out the law of her own life -- rich in all that pertains to the happiness, culture, power and dignity of a great progressive and prosperous people."<sup>36</sup> Still, the Empire to Davin was more of an intellectual concept than a political entity. It was real enough as a vehicle for the dissemination of culture and freedom without attempting to analyse its political structure. As he told the Victorian Diamond Jubilee Festival Association which sat down 2,700 strong to dine in the Mechanics building in Boston, Massachusetts, on June 21, 1897: "What is this priceless thing -- the great jewel held in the mighty casket of the British empire? Only in that empire today, certainly outside the United States, is the idea of individual liberty and equal justice between man and man understood. And as surely as England when Napoleon menaced the world was the asylum of liberty and the successful protagonist of freedom so surely does the British empire today carry in its mighty bosom all the best hopes of the human race. That empire is greater morally than physically; its moral greatness passes its extent and power;..."<sup>37</sup> On the occasion of the first parade of the Strathcona Horse at Lansdowne Park, Ottawa, on March 7, 1900, Davin spoke of the Empire as an idea "that should be dear to men of all races and creeds within British bounds; an idea rooted in historical facts, replete with a noble inspiration; an idea which can draw men like yourselves from vast remotenesses; an idea which is a solvent of narrow hatreds and poor tribal spites; an idea which as we see can fire and fuse men of all races and all creeds, in a noble, universal loyalty ...."<sup>38</sup> At a St. George's Day banquet in

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36 Press Banquet at Toronto, p.7.

37 Nicholas Flood Davin, The British Empire, (Winnipeg, 1897).

38 Nicholas Flood Davin, Strathcona Horse, (Ottawa, 1900), pp.5-6.



New York the following month he referred to the two empires, British and American, mother and daughter, "both standing for those ideas identified with the advance of civilization ...."<sup>39</sup> And in the Town Hall in Regina, on February 2, 1901, the day of the funeral of Queen Victoria, he translated the imperial idea in terms of a family, and said: "... there is hardly a man or woman or child in the empire who has not within these last days experienced a sense of personal loss and paid to the imperial dust the tribute of a tear, nay, felt for the dead mother of her people a sentiment of true filial regret."<sup>40</sup>

The Leader was, of course, the most obvious channel of communication between Davin and his constituents, but sometimes, as in 1891, he would hold a special meeting to report on the events of the session.<sup>41</sup> He also travelled extensively throughout the district, by rail over the longer distances, or by democrat drawn by a team of grey bronchos broken to harness by his driver, Jack Morton.<sup>42</sup> He would count on meeting a good number of his constituents on the main streets of the little prairie towns, nor would he forget the Chinese cooks and laundrymen, who had votes

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39 Mail and Empire (Toronto), Apr. 23, 1900, "St. George Banquet," AS, File SHS 14.

40 Nicholas Flood Davin, In Memory of the Queen, (Regina, 1901), p.9. During this period Davin also wrote The Springs of National Progress (n.p., 1892), a speech in Brandon honouring the Hon. T. Mayne Daly on his appointment as Minister of the Interior; "Lady Aberdeen in the West," The Week, Vol. 13, Jan. 3, 1896, a tribute to Lady Aberdeen's encouragement of Women's Councils; "Canada and the United States," unpublished ms in AS, File SHS 14, dealing with the economic relationships of the two countries.

41 See Nicholas Flood Davin, The Session of 1891, (Regina, 1891).

42 Z.M. Hamilton, "Founder of Leader Known Across Canada as Statesman," Leader-Post (Regina), Mar. 1, 1933.



too, and to whom he would address a few words in a Chinese dialect probably picked up during his tour with the Chinese Commission.<sup>43</sup> He would meet other voters in Regina, on Broad Street or South Railway particularly, coming or going from the trains, and it was here he was once supposed to have met a constituent, an Irishman, now known only as Pat, who had just come out of jail after serving a six-month sentence. Pat had gone to jail wearing an old fur cap and Mennonite boots, but on his release, J.H. Ross, Davin's opponent in 1887 and Speaker of the Territorial Assembly, had taken pity on him in his unseasonable garb, and supplied him with a summer suit and straw hat. Davin did not recognize Pat in this unfamiliar finery, but he talked to him and asked him what he was doing. When Pat replied, somewhat euphemistically, that he had just been released from a government position, Davin blazed: "Discharged from a government job and me not consulted! Give me the particulars, sir, and I'll have you reinstated." Needless to say, Pat declined the favour, but relished the story.<sup>44</sup> Davin stories, like this one, were invariably part of the repertoire of the Mounted Police musical shows,<sup>45</sup> and Davin jokes were given national coverage from time to time in Grip which filled a bit of space on one occasion by reporting in its political gossip column that "much indignation is felt at the Commons barber for charging Mr. Davin full price for a hair cut."<sup>46</sup>

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43 Ibid.

44 John B. Hawkes, The Story of Saskatchewan and its People, 3 vols., (Chicago, 1924), Vol. 1, pp.470-1.

45 See Drake, Regina: The Queen City, p.59.

46 Grip, Apr. 12, 1890, "Echoes from Ottawa."



Davin brought his bride to Regina in the late summer of 1895. Mrs. Davin quickly made a place for herself in the pioneer community; she accompanied her husband on his campaigning; and she played an active role in the women's political and social organizations: she became vice-president of the Assiniboia National Council of Women, president of the territorial division of the Daughters of the Empire and president of the Ladies' Conservative League of the North-West Territories.<sup>47</sup> It was the beginning of a new life for her, but for another, the arrival of Davin's bride marked the end of the old life in Regina. On October 10, 1895, the Leader published the following verses:

When you died I thought I, too, must die;  
     How could I live without your word and smile?  
 How meet the morrow, and alone? When thou and I  
     Together long had planned and dreamed; the while  
 You held my hand the hill of life, care-strewn, was sweet,  
     And thorns to roses turned beneath my tired feet.

When you died I said, "I, too, must die."  
     But, spite of grief and spite of woe and tears,  
 I could not blind the sunshine of the sky;  
     And some sweet tinge of Hope upheld my fears.  
 And looking back upon the path we walked, I see  
     Where your feet failed -- the day you died to me.

The sun still circles and the clouds drift;  
     The prairie's blossoms bud and bloom and die;  
 Sunshine and rain alternate through clouds' rift,  
     And tears and gladness come as I pass by  
 The same old pathway where sad memories bide  
     And linger in my heart because you died.

The verses were signed "Mary Markwell," but most Reginans knew they were the work of Kate Simpson-Hayes, and many Reginans must have suspected that they were written in tribute to a dead love.

Davin's love affair with Kate had been much more than the excited gossip of a remote community. He had found in her something of a

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<sup>47</sup> Morgan, Types of Canadian Women, Vol. 1, p.75.



kindred soul; she had been a staunch supporter through his trials and triumphs. He had helped her on her way as a writer by introducing her work to William Douw Lighthall who pronounced her poem "Rough Ben" as excellent and included it in his Songs of the Great Dominion.<sup>48</sup> Davin had passed Lighthall's comment on to Kate with the note: "So you will be known to fame."<sup>49</sup> She had later published Prairie Pot-pourri,<sup>50</sup> and was to go on to produce poetry, drama and fiction of very good quality. At the same time, from 1891 to 1898, she served as Librarian of the Territorial Assembly with additional duties as a clerk in the Office of the Territorial Secretary.<sup>51</sup> Meanwhile, Davin had grown very fond of Kate's daughter Elaine, affectionately known as "Bonnie," a beautiful little girl with much of her mother's talent, who wrote to him from time to time while he was in Ottawa and on one occasion enclosed a child's tribute of prairie roses. In acknowledging his great delight in receiving the gift, Davin replied: "You know I have always been very fond of you, and nothing will give me greater pleasure than to see you grow up a good, happy and beautiful woman. You see I have put goodness before happiness and both before beauty."<sup>52</sup>

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48 William Douw Lighthall, Songs of the Great Dominion, (London, 1889).

49 W.D. Lighthall to N.F. Davin, July 28, 1888, AS, Papers of Mrs. Catherine Simpson-Hayes, Pt. 1, Letters, Microfilm copy.

50 Kate Simpson-Hayes [Mary Markwell], Prairie Pot-pourri, (Winnipeg, 1895).

51 See Mrs. Austin Bothwell, "History of the Legislative Library," Second Report of the Saskatchewan Archives, (Regina, 1947), p.19; and Public Accounts of the North-West Territories for the Sixteen Months ended December 31, 1898, (Regina, 1899), p.31 and p.35.

52 N.F. Davin to Miss Bonnie Simpson, June 27, 1894, AS, Papers of Mrs. Catherine Simpson-Hayes, Pt. 1, Letters, Microfilm copy.



In this brief letter to a little child Davin left a rare glimpse of the quality of his personal friendship and the refinement of his private spirit.

Except for two periods in 1884-85, Davin had personally managed and edited the Leader from its inception in 1883. With his election to Parliament in 1887, however, his relationship to the paper became less direct; he was president of the company and editor-in-chief, but he relied almost entirely on local people to assume the day-to-day responsibilities. Men such as J.W. Powers, J.J. Young, J.R.C. Honeyman, Walter Scott and even J.K. McInnis were associated with the Leader at one time or another.<sup>53</sup> The paper had quickly established an enviable reputation, and in 1891 the Leader office moved to a fine brick and stone structure on Hamilton Street just north of Eleventh Avenue. Financially, however, it was another matter, for Davin was no businessman, and by 1893 had entered into his third mortgage with the Townsite Commissioners.<sup>54</sup> Thus by 1895, for personal and financial reasons, he had determined to sell out his interest to Walter Scott, hoping, of course, to be able to maintain for a

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53 John Weston Powers was an Irish journalist who had taught school in the Temperance Colony, Saskatoon, served as Legislative Librarian in Regina, worked for both the Leader and the Journal in Regina, and written for certain Winnipeg newspapers. He published The History of Regina in 1887, and died in San Francisco in 1905. J.J. Young was a young Reginan who had been employed on the Leader for a number of years before becoming managing editor in 1887. John Rothes Charles Honeyman had come to western Canada from Scotland in 1885. He served in the North-West Mounted Police for five years; he was a reporter and later assistant editor of the Leader; editor of the Moosomin Spectator; Deputy Commissioner of Agriculture from 1903 to 1906; and Librarian of the Regina Public Library from 1908. Walter Scott came to Regina in 1886 with C.J. Atkinson. John Kenneth McInnis was a school teacher who joined the Leader staff in 1889.

54 For an account of Davin's financing of the Leader see Order in Council No. 2778 [Canada], of December 29th, 1900, approving Report, Evidence and Cash Statements submitted by the Townsite Commissioners, (n.p., n.d.), p.6 and pp.92-4.



time at least some influence over editorial policy. Events, however, determined otherwise, and after the election of 1896 Davin and the Conservative party found that they sorely missed the voice of the Regina Leader which from 1883 had been pre-eminent amongst territorial journals.

As the election of 1900 approached, it became imperative for Davin to get back into the newspaper field. Consequently, on April 27, 1899, the Regina West was established as a Conservative organ, with Charles Willoughby, Peter McAra and R.J. Westgate as publishers.<sup>55</sup> By this time, however, with the Leader firmly established under Scott's management as spokesman for the party in power, with the Standard sure of the support of the Patrons of Industry, the West represented a weakened cause and began publication under less than auspicious circumstances. Nevertheless, from the offices located on South Railway Street just west of Rose, the staff of the West fought to win something of the old pre-eminence the Leader had enjoyed in its Conservative days. Peter McAra lent his able financial oversight; Davin and W.D. Cowan shared responsibility for the editorial page; Westgate was the business manager; and Z.M. Hamilton and Thomas Blacklock were employed as reporters.<sup>56</sup> Davin

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55 See Historical Directory of Saskatchewan Newspapers, (Saskatoon, 1951), p.86. Charles Willoughby was born in Ontario. He came to Regina in 1885 where he was a contractor and lumber merchant. Peter McAra, Scottish born, served in the British army in India. He came to Western Canada in 1886, and later went into business in Regina. Robert J. Westgate was a school teacher who came to Regina in 1890.

56 Walter Davy Cowan was a Regina dentist with some experience in journalism on the Indian Head Vidette. He was a Conservative Member of Parliament for Regina (1917-21) and for Long Lake (1930-35). Zachary Macaulay Hamilton had a long career in journalism in Regina dating from the mid-1880s. Thomas Blacklock later became a reporter on the Press Gallery of the House of Commons, Ottawa.



must surely have relished being back at an editorial desk, but times had changed. The balance of political power in the community was teetering against him, and he was, after all, sixteen years older than when he had started the Leader. He was very much aware, moreover, that "The saddest thing in human life was the passing away of youth ... with its magnificent illusion that it can do all things, endure all things, beat down all difficulties, crown itself lord of life, and love and achievement ...."<sup>57</sup> So often in the course of his career Davin had been reminded that he was not "lord of life, and love and achievement." Could he make yet another attempt?

He would try, of course. He accompanied Sir Charles Tupper in the provincial campaign in Manitoba in 1899, and relished the Conservative victory there which might hopefully have presaged a turn in the fortunes of the federal party,<sup>58</sup> but he had lost something of his zest, and even in his personal life, which he usually kept well hidden from his associates, a certain despair could sometimes be detected. In the summer of 1900 Kate celebrated her forty-fourth birthday at a party amongst the stunted trees in the garden of the old Forget house on Dewdney Avenue where she was living. Zach Hamilton of the West and other old friends were invited, but Davin learned of the party only indirectly. The next day he came into the West offices about 5:00 o'clock in the evening. He had been riding his bicycle and was wearing tight, grey knickerbockers, a velvet coat and a brown derby hat. He wandered aimlessly around the shop for a while, then sat on the corner of Hamilton's desk, swung his

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57 Davin, "Horace," The Week, Vol. 7, Apr. 11, 1890, p.293.

58 Hamilton, "Founder of Leader Known Across Canada as Statesman."



leg, took off his hat, wiped his forehead and said: "Well, Zach, how did your friend Mrs. Hayes look yesterday? I'll bet she had a dozen young men buzzing around her like flies around a honey pot." He went on, then, to speak of Kate as a "remarkable, although misguided woman." He said that he had "coached her," and that he had "discerned bright specks of gold among the dross that made up her character." Hamilton was puzzled by all this: "I don't know why he should have talked to me," he reflected later, "but, poor man, I think he was glad to have someone to whom he could talk on the subject. Human nature is a strange thing, and if poor Nicholas Flood had ever married Mrs. Hayes, they would probably have massacred each other before the honeymoon was over. His own wife was surely of the salt of the earth, and he knew and appreciated it."<sup>59</sup> Or did he? Within a few months of this episode, Davin had fought his last election, and Kate had left Regina for Winnipeg and a career in journalism as women's editor on the Free Press.<sup>60</sup>

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59 Z.M. Hamilton to R.J. Westgate, Jan. 24, 1945, AS, File SHS 13.

60 There is a little uncertainty about Kate's movements, but she resigned from a position as clerk in the Department of Agriculture prior to Nov. 1, 1900. See Order-in-Council No. 407/00, dated Nov. 12, 1900, AS, North-West Territories, Orders of the Executive Council. Henry James Morgan, Editor, The Canadian Men and Women of the Time, Second Edition, (Toronto, 1912), p.516, reports that she joined the Free Press in 1899.



## CHAPTER XII

### A SINGLE GRAVE

The Conservative attempt to unseat the Liberal government in 1900 was made in the face of a prosperity for which the government, according to J.W. Dafoe, could claim credit "upon better grounds than are usually available in a case of this kind ...."<sup>1</sup> The story of this prosperity lost nothing in its telling by Clifford Sifton's biographer or by the Liberal politicians against whom Davin and his Conservative associates campaigned. It was a prosperity which Liberals interpreted as resulting from the remodelled tariff and preferential trade through which Canadian exports to Britain had increased by fifty per cent, and a rising tide of immigration which in 1899 alone had brought 10,000 new farmers to the prairie West. The result had been an impetus to business, substantial government surpluses and the construction of a large number of much-needed public works. These buoyant conditions, Dafoe recalled, resulted in a contented people who "did not in the mass desire any change."<sup>2</sup> There was much in the argument, of course, for a contemporary, although not altogether unbiassed observer, J.K. McInnis, editor of the Regina Standard and Patron candidate in Assiniboia West in 1896, could write in 1900: "The government have selected a most favorable time for the fight. The country is more prosperous than it has ever been since Confederation."<sup>3</sup> It was another question, however, whether these prosperous conditions

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1 John W. Dafoe, Clifford Sifton in Relation to his Times, (Toronto, 1931), p.201.

2 Ibid., p.200.

3 Standard (Regina), Oct. 17, 1900, "Political Sermons."



were directly attributable to the policies pursued by the Liberal government since 1896, and whether prosperity alone was the factor which encouraged the prairie homesteader to cast his vote for the Liberal candidate. All governments attempt to capitalize on the issue of good times, and the Liberal government in 1900 was no exception. In addition, however, they could make use of the official machinery available to encourage the settlers to support that government under whose auspices vast numbers had recently entered the territory, and whose officials could in so many ways make it easy or difficult for a settler to satisfy the homestead regulations.

Closely associated with the prosperous conditions of the country, in the Liberal campaign at any rate, was the record of the government which included, according to an endorsation passed by the Liberal association of Medicine Hat, the following impressive accomplishments: settlement of the school question; reduction of the tariff; inauguration of the British preference; participation in the South African War; development of transportation facilities; introduction of the penny post; abolition of land grants to railways; freight-rate concessions from railways; opening of the Yukon at no cost to the Dominion; abolition of the United States quarantine regulations; and reservation of Dominion lands for the settler, not the speculator.<sup>4</sup> It was, however, the tariff which was again and again singled out as the shibboleth by which the people of a modern Gilead could distinguish the fugitives; "All the Conservatives say," the Standard declaimed, "the preferential tariff is of no benefit to us, and that high protection is the only fiscal policy suited to our

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<sup>4</sup> Regina Leader, Sept. 20, 1900, "Medicine Hat Liberals."



conditions."<sup>5</sup> Furthermore, the Standard suggested, to support the Conservative party "would be to return to protectionism with all its kindred evils."<sup>6</sup> The Conservative reply was, of course, to claim that Liberal tariff reductions were but a snare and a delusion, and that the British preference was meaningless in the West particularly where very few items of British manufacture were in use. This was the line Davin took at meeting after meeting when, speaking on the tariff, he showed "how the people had been deceived and how much more they had to pay in consequence."<sup>7</sup>

Davin was nominated without opposition at a Conservative convention held in Moose Jaw on September 4, 1900, at which he "promised the same adherence to principle and the same independence of party control as had ever been the leading feature of his course."<sup>8</sup> This convention was described by the Regina West as "the most representative body that ever gathered together politically in the Territories,"<sup>9</sup> and having been nominated under such circumstances, it was claimed that Davin's "choice as representative should be as unanimous as his choice as candidate. Of his election there is no question. It is certain."<sup>10</sup> The Liberals had brought out Walter Scott at a convention in June, but there appeared to be a certain defection in Liberal ranks, for Scott was regarded even by some Liberals as "the Sifton-Machine candidate for West Assiniboia,"<sup>11</sup> and in September a group calling themselves the Senior Liberal Association

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5 Standard (Regina), Oct. 17, 1900, "Political Sermons."

6 Ibid., "The Candidates and the Parties."

7 West (Regina), Aug. 29, 1900, "Public Meetings."

8 Ibid., Sept. 5, 1900, "Liberal-Conservative Convention."

9 Ibid., Sept. 12, 1900, "Mr. Davin Nominated."

10 Ibid.

11 Ibid., Aug. 29, 1900, "The Leader's 'Statesmanship.'"



passed the following resolution:

Resolved, that in the opinion of this executive committee, the members of the Regina and District Liberal Association, and the Independents, are under no obligation to support the machine candidate, as we believe his election would be contrary to the principles of the Liberal platform laid down in Ottawa in 1893.<sup>12</sup>

This evidence of dissension was naturally seized upon by the Davinites who delighted to draw attention to the choice confronting the electors:

One [candidate] chosen by a machine amidst the denunciation of the honest men of the party, the other chosen by the honest, unfettered vote of the entire party. One -- Mr. Scott -- the representative of a clique; the other -- Mr. Davin -- the free choice of the people.<sup>13</sup>

There was, perhaps, a certain poetic justice in all this both for the Conservatives and for Davin himself, for the Tories of Assiniboia West had borne the cross of disunity in their ranks in 1887 and 1891. Moreover, if Davin had regarded Scott as a Judas in 1896, he must have drawn some comfort from the knowledge that even in Liberal circles there were some who regarded him as a Johnny-come-lately Liberal who, having campaigned for the Patrons in the last contest, "when the election was over, rushed up to the Reform Association rooms to join the Reform Association."<sup>14</sup>

Dafoe has described the Conservative campaign throughout the country as one of "wholesale vigorous denunciation [and] ... loud and assured trumpeting of victory."<sup>15</sup> Assiniboia West was no exception although the trumpets of victory were sounded more often by the Tory press

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12 Ibid., Sept. 12, 1900, "Will Not Support the Machine."

13 Ibid., "A Difference."

14 Ibid., Oct. 3, 1900, "Old Liberals Endorse Mr. Davin." This charge was made by a Mr. Pettingell, spokesman for the Senior Liberal Association, at a Davin meeting in Lumsden.

15 Dafoe, op.cit. p.200.



than by the Tory candidate. On the platform and from the editorial columns of the West Davin and the Conservatives maintained a running attack on the Liberal government, the Liberal leaders and the Liberal candidate. It was claimed that there was a gulf of deceit between the campaign promises of 1896 and the programmes implemented during the last four years.<sup>16</sup> Laurier, Bourassa, Sifton and Tarte, but especially Sifton and Tarte were alluded to as symbols of the most sinister influences of eastern monopolies hand in glove with blatant machine politics. At a Lumsden meeting, for example, Davin claimed that he had no quarrel with true Liberals such as Brown and Mackenzie; his quarrel was with "Siftonism and Tarteism."<sup>17</sup> A filler in the West suggested that "If Tarte could only devise a way of letting the contract to be re-elected out to tender he might be able to win."<sup>18</sup> Scott was charged with being "The nominee of the Sifton machine in West Assiniboia and a second Dr. [James Moffat] Douglas in his slavish support of Mr. Sifton's pet and peculiar schemes ...."<sup>19</sup> He was charged further with the inconsistency of publicly opposing land subsidies to railways while running as a candidate for the party which had given a record subsidy to Mackenzie and Mann for the Yukon railway.<sup>20</sup>

In addition to this debate over promises, programmes and personalities, the air was thick with charges of bribery and corruption at the hands of the ubiquitous Sifton machine. The West warned the "honest electors" in this notice early in the campaign:

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16 See for example West (Regina), Sept. 12, 1900, "Davin and Sifton."

17 Regina Leader, Oct. 4, 1900, "Election Campaign."

18 West (Regina), Sept. 26, 1900.

19 Ibid., Aug. 22, 1900, "A Contrast."

20 Ibid., "Pre-Election Falsehoods."



One of the West Elgin pluggers has been and is in town and has been in close conference with the leading Siftonian. This is not the only evidence that the machine is at work. Honest electors! Liberal and Conservative, beware of the machine.<sup>21</sup>

Again, the West urged all Davin's supporters to be sure their names were on the voters' lists, for the "machine" could be expected to use every means to prevent known Conservatives from voting.

It ought to be remembered that the Siftonites and monopolists have long since determined to defeat Mr. Davin no matter what it costs or how it is done. A desperate game is being played and they will resort to all manner of fraudulent devices.<sup>22</sup>

Finally, a few days before the election, Davin himself published a notice in the West addressed to his supporters and agents:

We are already in a position to know positively that bribery is rampant on behalf of my opponent and sufficient evidence has already been accumulated to unseat my opponent if elected. I wish by this notice to warn all my supporters and agents that it is my desire that they in no way commit any infraction of the election act. I wish to be elected purely without the use of whiskey or money.<sup>23</sup>

Notwithstanding all this, however, there was a positive side to Davin's campaign as well, and his Address to the Electors embodied and summarized those proposals he had made from platforms throughout the constituency: he promised to work for duty-free agricultural implements; the suppression of trusts and combines; protection for coarse grains and wheat against importation of grain from the United States; the British preference for wheat and cattle; "Lower freight rates with government ownership of railways as our goal"; improvement of the cold storage system; removal of the British embargo on cattle; effective livestock quarantine;

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21 Ibid., Aug. 15, 1900.

22 Ibid., Oct. 17, 1900, "A Corrupt Threat."

23 Ibid., Oct. 31, 1900, "Notice."



a railway linking the Hudson Bay with Winnipeg and some central point in the Territories, and a railway from Indian Head to Battleford via Saskatoon; drainage of the Dundurn marsh; a well-water survey; a wise and economic immigration policy including funds to be spent in the North-West Territories, and the encouragement of female immigration to ease "the stress on the female head of the household" particularly as it is experienced at recurring intervals such as harvest; legislation to ensure the safety of railway crews and passengers; and amendment of the elevator act "to emancipate the shipper from cramping and oppressive restrictions."<sup>24</sup> Having enumerated these planks, Davin proceeded to remind the electors that there had been a government conspiracy against him in 1891 in spite of which "the farmers and the ranchers knew where their interest lay and were not unmindful of the past and stood behind me like a wall of steel." He saw a similar conspiracy against him in the present contest, but "it is greatly reinforced and great monied interests are banded against me in support of the Sifton candidate."

Farmers and ranchers of Western Assiniboia [he asked], are you going to allow party to place a ring in your nose to lead you against your own interest? Are you going to stand by while the interests I fought against in your behalf seek to bludgeon your watchdog? Can party infatuation and the blindness and madness of faction carry you thus far? I will never believe it.

Electors of Western Assiniboia, you have before you my record. You have before you my programme. I never forget how nobly you have again and again stood by me and I know my confidence this time as in the past will be justified by the event.<sup>25</sup>

From the Grit side of the fence, this programme, and indeed the whole Conservative campaign was greeted with derision. Davin's

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<sup>24</sup> Ibid., Oct. 24, 1900, "Address to the Electors."

<sup>25</sup> Ibid.



election address, according to the Leader was "the fierce screech of a defeated man; the wild cry of despair ...," and it stamped him as unfit for election because "He promises the impossible all along."<sup>26</sup> Conservative charges of Liberal corruption were dismissed with these words:

Totally lacking anything in the nature of a presentable policy or programme and unable to dispute the plain fact that instead of ruining the country as was prophesied the Liberal Government has managed the business of the country well, the Davin organs resort to the most despicable methods of conducting a political contest.<sup>27</sup>

Nevertheless, the Leader did not hesitate to indulge in similar tactics: the West was referred to as

... the prejudiced sheet established at Regina by railway monopolists and grain combinesters to boom a discredited political tool and slander everything and everybody not saturated with its own partisan notions ....<sup>28</sup>

Davin himself was again attacked with the old charges of having by subterfuge acquired a timber limit in 1882<sup>29</sup> and with being the tool of the railway magnates and land monopolists.<sup>30</sup> Similarly, the Standard felt that the following piece of intelligence would be of interest to the electors:

President Shaughnessy of the C.P.R. passed through in his private car a few days ago. During a short stop at the station Nicholas Davin, after glancing around to make sure that he was not seen, slipped into the car and rode to Moose Jaw, returning by the next train. What was the object of

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26 Regina Leader, Nov. 1, 1900, "Why You Should Not Vote for Mr. Davin."

27 Ibid., Sept. 6, 1900, "Lies and Vituperation."

28 Ibid., Aug. 16, 1900, "Cold Storage."

29 West (Regina), Oct. 3, 1900, "The Timber Limit Fake."

30 See for example Regina Leader, Nov. 1, 1900, "Why You Should Not Vote for Mr. Davin," and also Standard (Regina), Oct. 31, 1900, "Davin and the Townsites."



that secret conference? Was it to explain to Shaughnessy why Davin denounces the Crow's Nest deal, after supporting it in Parliament? Fie, Nicholas! It looks bad to see a farmer's friend hobnobbing with the railway magnates at a time like this.<sup>31</sup>

In addition, the Leader found Davin's platform style quite intolerable, witness the following report of a meeting in Medicine Hat:

[Davin's] speech is not reportable. It was one torrent of offensive personal abuse couched in the foulest Billingsgates. Many of his friends felt very sore at his dragging the meeting down into such low guttersnipe talk. Several of the ladies present left the meeting.<sup>32</sup>

The highlight of the campaign was a series of meetings held at Regina, Swift Current and Medicine Hat at which Davin shared the platform with no less a person than Clifford Sifton, the Liberal Minister of the Interior. Scott may have carried the Liberal banner in Assiniboia West, but it was a Liberal champion, a cabinet minister indeed, who entered the lists on his behalf. It was all part of a piece. Davin had escaped the Liberal juggernaut in 1896; he was not to be allowed to do so again. When the announcement was made that Davin had accepted the challenge to debate with Sifton, the Saskatchewan Herald commented: "There will be music in the air in Western Assiniboia,"<sup>33</sup> but just who called the tune at these meetings seems to have depended on the political sympathies of the reporter, for the West claimed that the bouquet presented to Davin at the Regina meeting was larger than the one presented to Sifton clearly because Davin's reception was warmer,<sup>34</sup> while the Leader, on the other hand,

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31 Standard (Regina), Oct. 3, 1900.

32 Regina Leader, Sept. 27, 1900, "Election Campaign."

33 Saskatchewan Herald (Battleford), Aug. 29, 1900.

34 West (Regina), Sept. 12, 1900, "Davin and Sifton."



took issue with the West's assertion that Davin had carried all three meetings, classifying this claim as "a striking example of the policy of brag and bluster by which apparently Mr. Davin hopes to regain the confidence of the people of West Assiniboia."<sup>35</sup> The fact was, according to the Leader, that even Davin's supporters acknowledged that he had never been seen on any platform in the constituency "in so depressed and tame a mood as at the Sifton meetings."<sup>36</sup> The meetings followed a similar pattern: Scott spoke briefly and then Sifton opened with an account, buttressed by facts and figures, of the successful Liberal stewardship; Davin followed with his criticism of the government's policies and record; Sifton closed with a rebuttal. Davin's standard attack was to show the weaknesses in the record of the government with respect to the tariff, railways and land policy, and in addition to argue that the budgetary surpluses represented nothing so much as bad management. He claimed too that he, not Sifton, was the "father of constitutional government in the Territories," since he had advocated each stage of this reform since 1887.<sup>37</sup> Sifton, on the other hand, contrasted with telling effect the low-tariff policy of the Liberal party and the high tariff advocated by the Tories, and he argued that while Davin might be a low-tariff man, his election would simply help to put the high-tariff party in office.<sup>38</sup>

The question of independence from party control was also debated by both candidates during the campaign. The premise that a member representing a territorial constituency, even though nominated at a

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35 Regina Leader, Sept. 20, 1900, "Davin and Sifton."

36 Ibid.

37 See West (Regina), Sept. 12, 1900, "Davin and Sifton."

38 Regina Leader, Sept. 13, 1900, "Liberal Meetings."



party convention and elected on a party platform, must somehow remain independent of the party on issues affecting the North-West, was as much a feature of the 1900 campaign as it had been on previous occasions, although the approach of the two candidates to this question showed some interesting distinctions. Scott had avowed his independence in his written acceptance of the Liberal nomination:

I feel justified in taking it for granted [he wrote] that I will be expected to act as a supporter of the present Government, but independent and untrammelled by any consideration other than the best interests of this riding and the territories as a whole in particular and the Dominion of Canada in general.<sup>39</sup>

There was a nice qualification to this declaration, however, for having acknowledged that not all Liberal policies were precise reflections of territorial opinion, Scott went on to claim that

where the Liberal party's attitude ... is wrong, the Conservative party's attitude is doubly wrong [and]... where the Liberal leaders are mistaken or deficient, the Conservative leaders are radically wrong.<sup>40</sup>

Moreover, his views on this question of independence led him to the conclusion that

For West Assiniboia to send again to the House of Commons a man wearing party shackles as binding as was proven to be the case with our present representative on the School Question in 1896 ... would be a mistake which we hope will not be repeated.<sup>41</sup>

It would perhaps be fair to observe, however, that a man who wears party-coloured spectacles need never fear the encumbrance of party shackles.

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39 Ibid., June 28, 1900, "Mr. Scott Writes the Liberal Convention Chairman."

40 Ibid.

41 Ibid.



Still, in the course of the campaign Scott did indicate to the electors certain of those matters on which he differed with his leaders: at Moose Jaw on the platform with Sifton, for example, he stated his belief that "the present government had not satisfied the people of the North-West in the way of lowering duties,"<sup>42</sup> and at Regina Sifton had praised him for his independence, reminding the audience that "it was the pride of the Liberal party that there was room for differences."<sup>43</sup> Davin's approach to the question of political independence, resolved through some thirteen years of parliamentary experience, was somewhat different. He dealt at some length with the fallacy of the "independent" candidate, arguing that "the only independent man was the man of independent character and strong brain."<sup>44</sup> Labels did not make a man independent; it was the ability of the party man to sway his party that was important. This was obviously the sense in which Davin used the word when he claimed in his election address that "Independence is as conspicuous in my banner today as it was in 1887, in 1891, in 1896 ...."<sup>45</sup> Davin's view of this issue was perhaps closer to the facts of political life; Scott's was likely closer to the sentiments of the electors.

The campaign reached its climax in a blaze of confident but contradictory prediction: "The Flowing Tide is with the Liberal Candidate Wherever He goes; Davin is Defeated Sure!" So read a Leader headline on October 25, and on November 1, the Leader proclaimed: "Walter Scott Will

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42 West (Regina), Sept. 12, 1900, "The Moose Jaw Meeting."

43 Regina Leader, Sept. 13, 1900, "Liberal Meetings."

44 West (Regina), Sept. 5, 1900, "Mr. Davin and Independence."

45 Ibid., Oct. 24, 1900, "Address to the Electors."



Win." Not to be outdone, the West announced on November 6, the day before the election, "Davin Triumphant " and "A Clean Sweep," predicting that the Territories would go Conservative with large majorities. However, when the acrid smoke of the campaign which had filled the air for several weeks had cleared on polling day, the count showed the decision of the electors to be 2,093 to 1,861 in favour of Scott. The Titan had fallen; Davin had been defeated.

The West was quick to suggest the causes of Davin's defeat. Amongst those mentioned most frequently were: good times; corrupt and illegal methods used by the Liberals; large donations to the Liberal campaign by eastern manufacturers who saw Davin as "an enemy to their protected interests"; and the lack of support from territorial Conservatives such as Haultain.<sup>46</sup> Later the West reprinted an editorial from the Winnipeg Telegram which showed that one wheel at least had come full cycle:

The manner in which the Mounted Police vote was manipulated shows that it was not without purpose that the Government insisted upon the retirement of Colonel Herchmer and the appointment in his place of a Grit partizan.<sup>47</sup>

Davin himself alluded to these charges of corrupt election practices in a letter to Sir Charles Tupper:

Lest my letter to Ottawa shd have missed you I write to say how much I felt your defeat in Cape Breton and the defeat of the party which you have led so nobly. You will have learned already by what outrageously illegal violence this constituency has been carried against us.<sup>48</sup>

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46 See ibid., Nov. 7, 1900, "The Result," "West Assiniboia " and "The Territorial Situation."

47 Ibid., Nov. 14, 1900, "The Election in West Assiniboia."

48 Davin to Tupper, Nov. 10, 1900, PAC, Sir Charles Tupper Papers, 1900, No. 849.



These reasons, however, valid as they may be as the initial reaction of the candidate to his defeat, are less than satisfying to the historian and in fact do less than justice to Davin himself. One of his associates, writing some years later, suggested that in addition to the popularity of Laurier and the tide of prosperity born apparently of Laurier Liberalism, there were other significant factors in the Conservative defeat such as a new population with no personal loyalty to Davin and a highly efficient political organization in opposition to him.<sup>49</sup> Again, there is the factor of Scott, his opponent, and another observer came very close to the mark when he said:

Davin always regarded Scott's acceptance of the Liberal nomination as the act of an ingrate. He was probably indiscreet in his expression of his feelings, for the little prairie town of that day regarded Scott as one of its own and Davin, despite his long residence, as a being from the outside world.<sup>50</sup>

Two contemporary comments also bear upon the fundamental causes. The editor of the Leader had written a week or so before the election:

This country has grown too big and too fast for Mr. Davin. However much he may have suited the community in embryo, if he did then suit it, he has not advanced with it and does not suit it now. To put the matter roughly, he is played out ....<sup>51</sup>

In conjunction with this observation, the following item from the Edmonton Bulletin is of particular significance:

Sir Chas. Tupper was not of this day. He lived in the past. Canada lives in the present and looks to the future; Sir Charles lived in the days of Confederation.<sup>52</sup>

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49 Hamilton, "Men Important in Early History of Saskatchewan," p.14.

50 Charlesworth, More Candid Chronicles, pp.28-29.

51 Regina Leader, Oct. 25, 1900, "The Campaign in West Assiniboia."

52 Edmonton Bulletin, Nov. 12, 1900.



In other words, Davin's defeat represented the end of an era in the North-West Territories. He and his party had given leadership to the country at a time when the young Dominion was groping its way towards nationhood and when the Territories were taking the first steps towards full participation in Dominion affairs. This was perhaps a time to rely on the paternalism of tradition inherent in the party of the National Policy and the British connection. By 1900, however, conditions were ripe for a bolder pragmatism, for an experimental approach to a national individualism, and the Liberal party, unhampered by an undue reverence for an old policy, stood ready to lead the Dominion in this next stage of development. Davin, for all the liberalism of his intellect, was a political and philosophic conservative. He could accept the tenets of popular democracy, but he believed, if not in the right then at least in the responsibility of an élite to occupy the high offices of the land; he conceived the role of government to be not merely to ensure equality in competition, but inevitably to protect the weak against the strong. He was by no means a hide-bound Tory, but his instincts were essentially paternalistic; he did not begrudge progress or fear change, still he acknowledged a fundamental loyalty to tradition. This was Davin's conservatism; this was the conservatism which, as the Leader said, "may have suited the community in embryo"; this was a conservatism which made Davin, as the Bulletin said of Tupper, "not of this day"; this was at bottom the reason why in 1900 the electors of Assiniboia West rejected the honourable member for Dixie.

Davin's defeat brought to an end a political career which had spanned almost twenty-five eventful years, for thirteen of which he had represented Assiniboia West in the House of Commons. He gave his own assessment of that career as a Member of Parliament for a territorial



constituency in his valedictory published in the Regina West on November 21, 1900:

And now farewell [he wrote]. I thank you all for your kindness and consideration for thirteen, I might say eighteen years, for before we had representation I did the work of a member of Parliament and general adviser. In those days there were grievances to be redressed and wrongs to be righted; we were in the wilderness. There are not many of you to whose business I have not attended. You know, or should know, whether I have spared or cared for myself, or spared any man or body, or government when your interest was opposed. You may be sure that though the intimate relationship between us is no more, you will always be near my heart. I still believed in the North-West when most, if not all, began to doubt; it was my duty to feed the fainting flame of hope; to bid, "Be of good courage"; and it has been my happy fortune to be at your head when we entered into abundant prosperity. Those whom I have watched in doubt, anxiety and care I have lived to see rich, confident and happy, and I pray God you may go forward, ever increasing in the possession of all that truly contributes to well-being and happiness.<sup>53</sup>

He also gave an assessment of the causes of his defeat, summarized in the sentence in which he claimed: "Not in the worst days of the Third Empire in France was there ever a more flagrant attempt to guillotine electoral opinion."<sup>54</sup> Finally, he indicated his regret at the outcome, a regret which, one suspects, ran far deeper even than Davin cared to acknowledge: "I regret the result," he said, "but not for myself. I would not have severed the tie. It is severed and I am free."<sup>55</sup>

Whatever the actual causes of Davin's defeat may have been, there were many in Assiniboia West who would have agreed with the editor

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53 West (Regina), Nov. 21, 1900, "To the Electors of Western Assiniboia."

54 Ibid.

55 Ibid.



of the Standard when he wrote: "Mr. Davin was defeated four years ago. He is unquestionably defeated now ...."<sup>56</sup> There were many too who would have agreed with the editor when he added, in what was for him an uncharacteristic burst of charity: "With all his faults [Davin] is a man of many good parts and will probably be heard from again."<sup>57</sup> Or perhaps the Brandon Sun reflected western opinion more accurately in these words:

Probably it is a good thing all around that [Davin] is defeated, yet the good-natured, bald-headed, velvet-coated, blarney-covered Irishman will be missed in Ottawa far more than many a better man.<sup>58</sup>

Still, defeat is never palatable even for the politician who must know that failure as well as success frequently depend upon the sometimes inexplicable and volatile whims of an electorate, and in his calmer moments Davin may have remembered with a certain irony a comment respecting J.K. McInnis which he had made four years earlier to Walter Scott:

Too many people will swallow anything & give themselves up to the lowest Charlatan -- So much so that any public man who looks for gratitude is a fool. You remember what Cromwell said when the crowds were cheering him -- "they wd cheer in the same way if I was being led to the block." The applause of a man's own self respect -- his honest pride as a man of honour -- or if he be a religious man God's approval -- this is all. It is a sad way of looking [at] it, but it is the true way. I do not feel indignation against -- I have nothing but pity & I am sorry to say contempt for those men for whom I did all in my power & in doing this sacrificed political promotion with as light a heart as I wd fling a weed aside & who at the bidding of cranks turn aside to take for leader as low a type of man as it was ever my fate to know.<sup>59</sup>

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<sup>56</sup> Standard (Regina), Nov. 7, 1900, "After the Battle."

<sup>57</sup> Ibid.

<sup>58</sup> Quoted in Drake, Regina, The Queen City, p.107.

<sup>59</sup> Davin to Scott, Mar. 5, 1896, AS, Scott Papers.



Yet Davin must have found it difficult to sustain himself with the applause of his own self-respect and "his honest pride as a man of honour," for embedded deep in his own assessment of political events of the last few years was the conviction that he had been the victim of a determined and ruthless conspiracy.

This conviction had been manifest from time to time in the course of debate in the House of Commons, and it had become almost a theme of the editorial campaign conducted on Davin's behalf by the Regina West during the 1900 contest. Whether or not there was in fact a "conspiracy" against Davin cannot now be demonstrated, and indeed, even if a case could be documented, there would arise the question of distinguishing between legitimate political opposition, the object of which is to defeat an opponent, and a "conspiracy" to bring about the defeat of a particular politician. Similarly, the accusation that Davin was defeated by the machinations of the "Sifton machine" raises the question of determining the point at which an effective and resourceful political organization loses its respectability and acquires the sinister characteristics of a political "machine." Nevertheless, without attempting to define the terms or to determine the validity of the charges, it is sufficient to recognize as a fact Davin's own belief that there had been a "conspiracy" against him and that the Liberal campaign had been conducted somewhat less than fairly by an unscrupulous "machine."

These personal attacks on Davin continued even after the election, and his friends were convinced that "the victors [had] entered upon a planned scheme of prosecution [sic] almost incredible in its malignity." They claimed that Davin "was daily held up to ridicule in the



press, and no attempt was spared to humiliate him."<sup>60</sup> These charges are not without foundation: the Leader particularly went out of its way to re-open old quarrels and to remind its readers that Davin had been "a corporation beneficiary and a tool," and had been in the habit of "getting grafts in the public funds irregularly and illegally."<sup>61</sup> Even some nine months after the election the Leader felt the following item of intelligence and comment worthy of space on the editorial page: "Reported, that the Conservatives of Lisgar have asked Mr. Foster to be a candidate. Notable, that offers of a seat have not reached N.F.D. in overwhelming numbers."<sup>62</sup>

In spite of it all, Davin made an attempt to pick up the pieces of his shattered career. His professional card as a barrister had appeared for some time in the West, but he had been away from the law for nearly a quarter of a century, and it is unlikely that he even hoped to develop an active practice. His main interest, after politics, was writing. He continued his editorial work for the West, and during the 1901 session of Parliament he was back in Ottawa in the Press Gallery of the House of Commons. The wheel had come full circle. He wrote daily sketches of the proceedings for the Toronto Star, and included some pen-portraits of leading political figures, but his friends could see that his heart was not in his work. He could not hide his desire to be back on the floor of the House, and he would curse the fate that condemned him to the passive

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60 Hamilton, "Nicholas Flood Davin."

61 Regina Leader, Jan. 17, 1901, "Badly Treated, Indeed." See also Standard (Regina), May 1, 1901, "Talking Back to the Counties."

62 Regina Leader, Aug. 1, 1901.



role of an observer. He could draw upon his wealth of political and parliamentary experience and send notes down from the gallery to guide his old colleagues in debate, but it was frustrating to be unable to participate himself.<sup>63</sup> He also devoted some time to revising the manuscript of a novel entitled "Dorsal Ray" which he had written some years earlier and which he hoped eventually to publish.<sup>64</sup> There was some talk too that he might be commissioned to write the life of D'Arcy McGee in The Makers of Canada series which was in preparation at the time, but nothing came of this, for the editors concluded that McGee was "not important enough to be included in the series, unless from the mercantile side to catch the Irish vote so to speak."<sup>65</sup> It was a difficult time all around. Politics had become Davin's way of life; he now had to start all over again as a private citizen. He discussed this point with a colleague in the Press Gallery shortly before prorogation of the session, and they spoke of R.W. Jameson, a former Member of Parliament for Winnipeg, who had recently committed suicide. "Jameson did well," Davin said. "He was a disappointed man. At his age, he saw there was nothing to live for. He could not begin life

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63 Daily Star (Montreal), "Nicholas Flood Davin is Dead." This article does not mention the name of the Toronto paper for which Davin wrote, but the name is given in Z.M. Hamilton, "Founder of Leader Known Across Canada as Statesman," Leader-Post (Regina), Mar. 1, 1933. . .

64 The novel was never published. The ms was read by the Hon. W.J. Tupper of Winnipeg, but by 1938 it had disappeared from the vault of the Tupper law firm. See correspondence with Roy St. George Stubbs and with Mr. Alexander Adams of Tupper, Adams & Co., Winnipeg, in possession of the author.

65 Duncan Campbell Scott to Pelham Edgar, Mar. 19, 1901, in Arthur S. Bourinot, Editor, More Letters of Duncan Campbell Scott, (Ottawa, 1960), pp.11-12. Scott and Edgar were joint editors of the series published by George N. Morang of Toronto in 1904.



over again. It was tragic; but the revolver was a good friend to him."<sup>66</sup>

Davin was constantly reminded that he too was a disappointed man. In early October of 1901 Reginans were anticipating the visit of the Duke and Duchess of Cornwall and York. It was to be a royal occasion in every way, and arrangements had been made for a luncheon at Government House to which all the leading citizens of the community were invited. Seating capacity was limited, however, and invitations were therefore sent to the gentlemen only, but Davin's name was not on the list. At the last minute, however, it occurred to the authorities that since Her Royal Highness would be present, the ladies ought to be included, and messengers were sent out to correct the oversight. Consequently, Mrs. Davin, who was president of the Federation of Daughters of the Empire, received an invitation, but again -- insult added to injury -- Davin himself was ignored. Mrs. Davin and some others who had been invited without their husbands, replied with "flat & politely indignant refusals,"<sup>67</sup> but the damage had been done. When the day came and every prominent citizen of Regina went off to the luncheon, Davin, who was by all odds the most widely known

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66 Daily Star (Montreal), Oct. 19, 1901, "Nicholas Flood Davin is Dead." Richard Willis Jameson was born in Cape Town, South Africa, in 1851, son of Lieut. General Sir George Jameson, K.C.S.I. He was educated at King's College, London, and Trinity College, Cambridge. He was a member of the English bar (1876), the Ontario bar (1881) and the Manitoba bar (1882). He was elected alderman in Winnipeg in 1892, mayor in 1895 and to the House of Commons as a Liberal member in a byelection in 1897.

67 See "Visit of their Royal Highnesses to the West," AS, File SHS 14. This is a handwritten document signed by Davin. The incident was reported in West (Regina), Oct. 2, 1901, "Wanting in Duty and Capacity," and ibid., "The Royal Visit." For the Lieutenant Governor's version see Regina Leader, Oct. 10, 1901.



resident of the Territories, although no longer a Member of Parliament, was left to his own devices. He strolled up the muddy main street of the town where he met two old friends, Hector Charlesworth of the Toronto Mail and Empire and John Ewan of the Globe. He laughed as he related the episode to them, "but his laugh was not hearty -- unmistakably sad and bitter, in truth."<sup>68</sup> It is difficult to believe that accommodation was quite so limited; on the contrary, the incident has about it the earmarks of a calculated snub. Whatever the reason, Davin was deeply wounded.

Davin did his best to shrug off this unfortunate incident. A few days later, on October 8, 1901, he left for Winnipeg on a business trip. He had made the decision rather suddenly, but he left in good spirits and apparently as buoyant as ever.<sup>69</sup> Yet beneath this buoyancy his close associates could detect a certain despondency which arose from a growing sense of isolation from humanity. Davin was a vain man, and "manifestly grateful for the smallest attention he might receive from the press."<sup>70</sup> However, criticism unrelieved by at least a modicum of adulation was not the sort of attention he craved. Davin needed an audience for his scholarship and a platform for his rhetoric; he lost the one with the sale of the Leader in 1895-96; he lost the other with his electoral defeat in 1900. He could have sensed too that for him the West could never become what the Leader had been in western journalism, and that in 1901 at the age of 61, against an opponent who was only 34, he had little

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68 Charlesworth, op.cit., p.29.

69 This account is drawn from West (Regina), Oct. 23, 1901, "Mr. Davin's Tragic Death"; Regina Leader, Oct. 24, 1901, "Death of Mr. Davin"; and Daily Star (Montreal), Oct. 19, 1901, "Nicholas Flood Davin is Dead."

70 Charlesworth, op.cit., p.23.



hope of re-entering politics. Moreover, he still held to the view he had expressed some years earlier in an essay prepared for the Osgoode Legal and Literary Society: "The present belongs to the older men," he had written, "and may it long belong to them. But the future is for the young."<sup>71</sup> By the fall of 1901, then, it might well have appeared to Davin that the present had slipped through his fingers and the future was beyond his grasp. Thus, defeated by his opponents, and to some extent rejected even by his friends, for although a party man he had never been an easy follower, and surrounded by an atmosphere of bitter partisanship, Davin could have felt with Hamlet:

How weary, stale, flat, and unprofitable  
Seem to me all the uses of this world.

And with the Prince of Denmark he could have asked the timeless question, knowing, probably by heart, those lines in which Hamlet had suggested a final solution:

For who would bear the whips and scorns of time,  
Th' oppressor's wrong, the proud man's contumely,  
The pangs of despis'd love, the law's delay,  
The insolence of office, and the spurns  
That patient merit of th' unworthy takes,  
When he himself might his quietus make  
With a bare bodkin?

Davin had arrived at a crisis; the Government House affair had been the last straw; and he was determined to make a final attempt to come to terms with his new status. However, he could no longer be comfortable in Regina where the atmosphere for him was charged with failure and bitterness. He must start afresh elsewhere as he had done on previous occasions of frustration. Some weeks earlier he had spoken to a friend about leaving Regina for Toronto, but perhaps the adjustment could be made

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<sup>71</sup> Davin, Great Speeches, p.16.



more easily in Winnipeg. Even in those days that city was something of a metropolitan community; his friends were in power there; and his protégée, Kate Simpson-Hayes, had recently embarked on a journalist's career with the Free Press, apparently with some success. The Winnipeg trip, then, was a reconnaissance. He registered at the Clarendon Hotel on October 9, and over the next few days made appointments with the Mr. Rodmond Roblin, the Premier, and members of the Manitoba government. He did not complain to them of financial troubles; he was not wealthy, but he had a modest bank account and certain real estate interests in Regina. He did, however, make it clear that an appointment of some sort would be acceptable. During the course of these few days he met a number of his Winnipeg friends, talked affably with them of public affairs, but despite the lucidity of his conversation and his sanguine appearance, those who knew him well saw certain evidence of "care and anxiety, not seen before."

Davin was due to return to Regina on Monday, October 14, but he changed his plans and wired Mrs. Davin that his return would be delayed until the 16th. On that Wednesday morning he hoped to see the Premier, but on arriving in his office was told that Mr. Roblin could not grant him an interview that day. Davin seemed stunned for a moment, then he turned and walked from the office without a word. He went back to his hotel, paid his bill and made other preparations for his departure, but in the event he could not bring himself to return to Regina. On the other hand, it was becoming clear that it was now too late for him even to contemplate beginning all over again. He might count on the friendship of Manitoba Conservatives, but he had few claims on them. He was as able as anyone in Canadian journalism, but his own generation was leaving the field to younger men. His memories of the early days in Regina when he had started up the Leader in the little settlement, when he had first been elected to



Parliament and when he and Kate had been the talk of that small prairie town were fresh and poignant, but those days were passed. The Leader was now in hostile hands; his parliamentary career had given him a taste of fame, but had ended in defeat and rejection; and Kate was now firmly established in her own career. These matters probably turned over and over in his mind that Wednesday and Thursday, and on Friday morning he purchased a revolver and some cartridges, ostensibly for a friend in the Yukon, at Ashdown's Hardware on Main Street. He returned to the shop about 2:30 that afternoon complaining that the revolver's mechanism was jambed. One glance told Mr. Lindsay, the hardware manager, that Davin knew nothing of firearms, and, noticing something strange about his customer's manner, refunded his money and said to him with great tact, "You do not need this weapon today, Mr. Davin." Later that afternoon he purchased a .32 calibre revolver from Baskerville's hardware, explaining that he had some cartridges and wanted to shoot cats.

Also that afternoon he dropped in at the Queen's Hotel, where he met Bernard McEvoy of the Toronto Mail and Empire and some other friends with whom he talked for a while. By this time, Davin's depression was obvious; McEvoy "could hardly realize that it was [his] old friend talking." Then Davin left, called a cab, and returned to the Clarendon Hotel about 3:30 where he asked the driver to wait while he got his luggage and then to take him on to catch the west-bound train. But the driver waited in vain. Davin told the hotel clerk he was leaving for Regina as soon as he had packed, and then went up to his room. Twenty minutes later a letter arrived from Mrs. Davin, and the hotel boy delivered it to him in his room where he was sitting doing nothing. A chambermaid saw him standing at the window tapping the revolver against the sash,



and a few minutes later two other chambermaids thought they heard a shot, but it seemed far away. At 4:00 o'clock the porter went up as instructed to get the luggage and to tell Davin that it was time to leave for the train. The porter knocked, but there was no answer and the door was locked. The chambermaids then recalled the pistol shot and reported that incident to the porter who climbed into the room through the transom where he found Davin lying on the bed with a bullet hole in his head. The revolver was still clutched in his right hand; the remaining cartridges were in a box on the table; there was \$6.80 in his pocket book; and Mrs. Davin's letter was found unopened in his overcoat pocket.<sup>72</sup> Under the circumstances the coroner deemed an inquest unnecessary.

The news of the tragedy reached Regina shortly after 5:00 o'clock p.m., when a rush telegram arrived which read: "N.F. Davin committed suicide by shooting himself late this afternoon in his room at the Clarendon Hotel." Few were at first disposed to believe the terrible news until confirmed by further reports, and then an atmosphere of gloom seemed to settle over the town with which Davin's name had so long been associated. Politics were temporarily forgotten. Peter McAra of the West, S.B. Jameson, an old friend and the Rev. J.A. Carmichael of Knox Presbyterian Church broke the sad news to Mrs. Davin. She was at first unbelieving, but then, dazed and shaken, hurried to catch the east-bound train, accompanied by Bob Westgate. She took with her the prayers of "a town full of sorrow at the dire event," and in Winnipeg was met by Davin's friends,

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72 See Daily Star (Montreal), Oct. 19, 1901, "Nicholas Flood Davin is Dead," in which it is reported that the police opened this letter "in the hope of obtaining some information." They found it contained "many pathetic terms of endearment which indicated the happy conjugal relationship that was known to exist between Mr. and Mrs. Davin. The letter closed with a request for [Davin] to come home as [Mrs. Davin] was lonely without him."



the Roblins, the Campbells, the Tuppers<sup>73</sup> and others. On her instructions, and in accordance with Davin's recently expressed wish, arrangements were made for burial in Ottawa, and Mrs. Davin, still accompanied by Westgate, continued her sad journey eastward. On October 22, 1901, the remains of Nicholas Flood Davin were buried in Beechwood Cemetery, Ottawa. Numerous friends had gathered at the station to accompany the casket to the cemetery chapel where the Rev. Dr. Moore of Bank Street Presbyterian church conducted the brief funeral service.<sup>74</sup> Mrs. Davin's mother was there; she had joined the train at Carleton Place. Robert McPhee of Montreal was amongst the chief mourners.<sup>75</sup> The Honourable J.C. Patterson, former Lieutenant Governor of Manitoba was present, together with the Honourable J.G. Haggart, Minister of Railways and Canals under Thompson, Bowell and Tupper. Sir James Grant and Lieutenant Colonel Frederick White were in attendance.<sup>76</sup> Members of Parliament from both parties and representatives of the parliamentary Press Gallery came to pay their last respects, and a Mr. F. Barry Hayes was also amongst the mourners.<sup>77</sup>

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- 73 Rodmond Palen Roblin was the Premier of Manitoba; Colin H. Campbell was the Attorney-General. William Johnston Tupper was the third son of Sir Charles Tupper, Bart.; he was a Winnipeg lawyer and Davin's literary executor. D.E. Sprague who was also mentioned in the Leader report was a Winnipeg businessman and uncle of D. Boyce Sprague whom Kate's daughter Bonnie married in 1904.
- 74 For an account of the funeral see Citizen (Ottawa), Oct. 22, 1901, "Borne to the Grave," and Evening Journal (Ottawa), Oct. 22, 1901, "Mr. Davin's Remains taken to Beechwood."
- 75 I have been unable to identify Robert McPhee; George McAfee of Montreal was the "Applicant for Interment" shown on the records of the Beechwood Cemetery Company, Ottawa.
- 76 Sir James Grant was an Ottawa physician and former Conservative Member of Parliament; he had supported Davin's motion for the extension of the franchise to women in 1895. Frederick White was formerly Comptroller of the North-West Mounted Police.
- 77 I have been unable to establish the identity of Barry Hayes.



Nicholas Flood Davin had died believing his life to have been a failure. He had sought fame; he had achieved, in his view, but a hollow notoriety. He had sought to serve his countrymen by counselling wisdom, justice and tolerance. At the end of the day they had rejected his weaknesses and failed to understand his virtues, just as he himself had failed to understand his own limitations. He had spoken in the idiom of the poet to a people who were accustomed to prose. Although there are others who have made a deeper imprint on the pages of Canadian history because they have thought more deeply, seen more clearly, acted more vigorously and risen higher on the ladder of success, they in no wise diminish Davin's contribution. Success alone can be a misleading measure of a man's stature, and the verdict of posterity need not be written in terms of success or failure. Consequently, it is of little moment now to render judgement on Davin with respect to second homesteads, the Mounted Police, the Manitoba School Question, his political ambitions or his ultimate defeat. What does matter is that he contributed his talents to the issues of the day; that he lent his energy, his eloquence, his wisdom and his experience to the noble task of government; that he participated, through politics and journalism, in an expression of the general will, and that he sought, through Parliament, to build a nation. If he was not a Macdonald, a Thompson, a Tupper or a Laurier, he was yet part of that parliamentary culture that breeds the great men, and as such he shares their brilliance, as they do his, for parliamentary government depends as much upon the institution as the individual. Davin reached his full stature in this environment, for he was a voice, not a vote, a mind, not an echo, a Member of Parliament in the very best traditions of the institution. It was here too that his weaknesses were apparent, for his understanding of Parliament arose from an intellectual appreciation



of the symmetry and perfection of the parliamentary theory, and he had no gift for the accompanying arts of management and manoeuver, of manipulation and hard-nosed politicking. While Parliament is a human institution, reflecting human cunning as well as human intellect, Davin's prime concern was with Parliament in its classic definition as an instrument through which to express the mind of the people, "to teach the nation what it ought to know" or to make the country hear "what otherwise [it] should not."<sup>78</sup> On this parliamentary world, his star flashed brilliantly from time to time as it did on the world of Canadian letters and journalism, and these flashes were no less illuminating if, as he himself said of his poetry, his little star was eventually "lost in the blaze of others."<sup>79</sup> His death was a personal tragedy, yet it was symbolic of that national tragedy of which he was a part -- the bitterness, hatred, strife, rancour and indifference which characterize the reaction of small minds to great events. However, the real tragedy of Davin's career was not the manner of his death, it was not his political defeat nor was it his failure to achieve high office. The real tragedy was, that notwithstanding his many defects of character, there were so few like him, and consequently "a world of hope" lies buried in "a single grave."

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78 See Walter Bagehot, The English Constitution, ed., R.H.S. Crossman, (London, 1963), Chapter 5.

79 Davin, Eos: An Epic of the Dawn and Other Poems, Preface.



## BIBLIOGRAPHY

Since Nicholas Flood Davin left no significant collection of personal papers, this study is based essentially on the public record of his career which exists in his own published works, in the Regina Leader and in certain publications of the Government of Canada. This public record has been supplemented by a few unpublished items from Davin's pen, by other newspapers and periodicals of the day, by records of public and private institutions with which Davin was associated and by personal papers and private records of certain of his relations, friends and associates. Further information respecting the man and his career has been gleaned from a variety of books and periodical articles in which he has been treated to a greater, but most often to a lesser extent, and the whole has been set against a background derived from books and articles dealing with the period in general and with specific issues in which Davin was involved.

### A. The Public Record

#### 1. Works of Nicholas Flood Davin

##### (a) Books

Davin, Nicholas Flood, The Irishman in Canada, Toronto: MacLear and Company, 1877.

The Irishman in Canada, 1877, Reprint. Shannon, Ireland: Irish University Press, 1969.

Report on Industrial Schools for Indians and Half-Breeds, Ottawa: n.p., 1879.

Eos -- A Prairie Dream and Other Poems, Ottawa: Citizen Printing & Publishing Co., 1884.

Eos: An Epic of the Dawn and Other Poems, Regina: Leader Company (Limited), 1889.

Davin, Nicholas Flood, Editor, Homes for Millions, Ottawa: Queen's Printer, 1891.



## (b) Pamphlets and Periodical Articles

While many of Davin's pamphlets were reprints of articles published originally in periodicals, the following list reflects the form in which the item was used in the preparation of this study. The items are listed as nearly as possible in chronological order of publication in the form indicated. The list does not include reprints of Davin's speeches in the House of Commons, a list of which is to be found in The British Museum General Catalogue of Printed Books. All items listed are available in the original, on microfilm or photocopy in the Archives of Saskatchewan, Regina Office.

Davin, Nicholas Flood, [Tristram Templeton], "Charles Kavanaugh: a Story of Modern Life, Character, and Adventure," The Monthly Journal, Vol. 1, Nos. 1 and 2, Nov. and Dec. 1866.

[Davin, Nicholas Flood], "France and Germany," The Westminster Review, NS, Vol. 39, No. 1, 1871.

Davin, Nicholas Flood, British versus American Civilization, Toronto: Adam, Stevenson, & Co., 1873.

"John Stuart Mill," The Canadian Monthly and National Review, Vol. 3, No. 6, June 1873.

"The London and Canadian Press," The Canadian Monthly and National Review, Vol. 5, No. 2, Feb. 1874.

Davin, Nicholas Flood, Editor, Mr. Davin on "Fanning in Church" and Addison and Steele on the Use of the Fan, Toronto: Globe Printing Co., 1874.

Davin, Nicholas Flood, The Earl of Beaconsfield, Toronto: Belford Brothers, 1876.

The Fair Grit; or, The Advantages of Coalition; A Farce, Toronto: Belford Brothers, 1876.

"Canada," The Canadian Monthly and National Review, Vol. 13, Jan. - June 1878.

"The Argument from Scandal," Rose-Belford's Canadian Monthly and National Review, Vol. 2, Jan. - June 1879.

"No Law School," Rose-Belford's Canadian Monthly and National Review. Vol. 4, Jan. - June 1880.



Davin, Nicholas Flood, "The Bennett Case," Rose-Belford's Canadian Monthly and National Review, Vol. 5, July - Dec. 1880.

Great Speeches, Toronto: Hunter. Rose & Co., 1881.

"The Future of Canada," Rose-Belford's Canadian Monthly and National Review, Vol. 6, No. 5, May 1881.

Remarks Suggested by President Garfield's Death, Ottawa, J. Durie & Son, 1881.

"Literature Connected with the Canadian Pacific RR.," Rose-Belford's Canadian Monthly and National Review, Vol. 8, No. 6, June 1882.

The Secretary of the Royal Society of Canada, A Literary Fraud, Ottawa: n.p., 1882.

Album Verses and Other Poems, Ottawa: MacLean, Roger & Co., 1882.

Ireland and the Empire, Ottawa: Citizen Printing & Publishing Co., 1885.

The North-West Farmer, n.p., n.d.

"The North-West Farmer," The Week, Vol. 6, Dec. 7, 1888, and Jan. 4, 1889.

Culture and Practical Power, 2nd ed., Ottawa: W.T. Mason, 1890.

"Culture and the Dawn of Freedom," The Week, Vol. 7, Jan. 17, 1890.

"Three Sonnets," The Week, Vol. 7, Jan. 31, 1890.

"A Theological Thaw," The Week, Vol. 7, Mar. 7, 1890.

"Sonnets," The Week, Vol. 7, Mar. 7, 1890.

"Horace," The Week, Vol. 7, Apr. 11, 1890.

"Dionysius," The Week, Vol. 7, May 16, 1890.

"A Modern Mystic," The Week, Vol. 7, June 6 to Nov. 7, 1890.

"Crop Prospects in the North-West," The Week, Vol. 7, June 27, 1890.

For the Leader Company, Limited, Regina: Leader Co., 1890.

The Session of 1891, Regina: Leader Co., 1891.



Davin, Nicholas Flood, "The Reorganization of the Cabinet," The Week, Vols. 8 and 9, Oct. 16, 1891 to Mar. 18, 1892.

Vol. 9, Jan. 8, 1892. "A Twelfth-Night Eve, Forty Years Ago," The Week,

Feb. 19, 1892. "Aeschylus and the Bible," The Week, Vol. 9,

Nov. 4, 1892. "The Archic Man," The Week, Vol. 9, June 10 to

The Springs of National Progress, n.p., 1892.

Home Rule, Toronto: Hunter, Rose and Company, 1893.

June 7, 1893. "Dialogues of Men Who Were," The Week, Vol. 10,

Grace Tinning, n.p., [1894].

Press Banquet at Toronto, n.p., [1895].

Jan. 3, 1896. "Lady Aberdeen in the West," The Week, Vol. 13,

The British Empire, Winnipeg: Nor'-Wester Office, 1897; also another edition entitled Queen's Jubilee, Boston, 2nd ed., Moosomin: Spectator Office, 1897.

Vol. 12, 1898-99. "In the Tomb of Agrippa," The Canadian Magazine,

Strathcona Horse, Ottawa: James Hope & Sons, 1900.

Limited, 1901. In Memory of the Queen, Regina: The West, Company,

#### (c) Unpublished Manuscripts

In addition to the published works listed above, three unpublished and undated manuscripts by Nicholas Flood Davin are held in the Archives of Saskatchewan, Regina Office, File SHS 14. While not part of the public record as such, these manuscripts were obviously intended for publication, and they complete the list of Davin's works.

Davin, Nicholas Flood, "Rough and Ready Justice."

"A National Literature."

"Canada and the United States."



## 2. Regina Leader

The Leader commenced publication on March 1, 1883, and except for the period from February to June 1884, and again from July 1884 to March 1885, when Davin was away from Regina. it was under his personal control and management until he became a Member of Parliament in 1887. From 1887 onwards, Davin remained president of the company and editor-in-chief of the Leader, but day-to-day editorial and administrative responsibilities were delegated to a managing editor. On August 22, 1895, the Leader passed into the hands of Walter Scott, although the paper was to continue to support Davin and the Conservative party at least until after the next federal general election, and Davin retained a friendly interest in the company and control of the first two editorial columns. However, Davin and Scott parted company over the issue of Davin's vote on the remedial bill, and on May 14, 1896, the Leader was leased to Davin's friends for the period of the election. It passed finally back to Scott on June 24, 1896. A complete file of the Regina Leader for the period of this study is available on microfilm in the Archives of Saskatchewan, Regina Office, where original and microfilm copies of the Daily Leader, published during the Riel trial, are also held.

## 3. Publications of the Government of Canada

Official Report of the Debates of the House of Commons of the Dominion of Canada, 1887 to 1900.

Report of the Canadian Pacific Railway Royal Commission, 3 vols., Ottawa: Stephenson & Co., 1882.

Canada Sessional Papers, 1885, No. 54a, "Report of the Royal Commission on Chinese Immigration."

Order in Council No. 2778 [Canada], of Dec. 29th, 1900, approving Report, Evidence and Cash Statements submitted by The Townsite Commissioners appointed by Order in Council No. 1527, of June 19th, 1900. n.p., n.d.



The Debates of the House of Commons is unquestionably the most important of these items. Davin had an editorial responsibility for, and wrote an introduction to the Report of the Canadian Pacific Railway Royal Commission, and he was almost certainly editor of the "Report of the Royal Commission on Chinese Immigration" as well. Order in Council No. 2778 contains Davin's deposition respecting the initial financing of the Regina Leader and subsequent mortgage agreements entered into through W.B. Scarth and the Townsite Commissioners.

## B. Other Newspapers and Periodicals

### 1. England and Ireland

In none of the English or Irish newspapers examined could Davin items be specifically identified, but the Irish Times (Dublin) and the Standard (London), both available in the original in the British Museum Newspaper Library, Colindale, yielded background information for the period of the Franco-Prussian War. Specific issues of the Belfast News-Letter, photocopies of which were obtained from the National Library of Ireland, Dublin, and are now available in the Archives of Saskatchewan, Regina Office, provided details of Davin's career as editor of the Belfast Times. The Athenaeum was examined in the library of The Athenaeum, London, to which I gained access through the courtesy of D.C.L. Holland, Esq., Librarian, House of Commons, Westminster.

### 2. Eastern Canada

The Globe (Toronto) and the Mail (Toronto), available on microfilm in the Library, University of Saskatchewan, Regina Campus, were extensively examined for the period 1872 to 1882 during which Davin lived and worked in Toronto. For the period after 1882, these two newspapers were consulted in relation to specific issues in Davin's career.



Other eastern Canadian newspapers such as the Citizen (Ottawa), the Journal (Ottawa), the Star (Montreal), the Telegram (Toronto) and the Times (Hamilton) were also consulted in relation to specific issues.

These are available in the Newspaper Section of the National Library of Canada, Ottawa. The Toronto periodical, Grip, edited by J.W. Bengough, was examined in the Saskatchewan Legislative Library which holds issues for the period November 29, 1879, to December 29, 1894, (Volume 14, Number 2 to Volume 42, Number 24).

### 3. North-West Territories

The following newspapers published in the North-West Territories were examined extensively for the period 1883 to 1901, and all are available in the original or on microfilm in the Archives of Saskatchewan, Regina Office: Saskatchewan Herald (Battleford), (1878); Edmonton Bulletin, (1880); Times (Prince Albert), (1882); Vidette (Qu'Appelle), (1884); Courier (Moosomin), (1884); Medicine Hat Times, (1885); Progress (Qu'Appelle), (1885); Regina Journal, (1886); Standard (Regina), (1891); West (Regina), (1899). Dates in parentheses indicate the year in which each newspaper commenced publication.

### C. Institutional Records

The following institutional records provide a variety of information on Davin's career. Regrettably, a search of parish registers for a record of the birth of Nicholas Francis (Flood) Davin was fruitless, but the registers of the Church of Ireland parish of Kilfinane in the custody of the Rev. Hugh Gurnsey, Kilmallock, Co. Limerick, provide information on the family of "Doctor" James Flood Davin of Kilfinane. The Register of Queen's College, Cork, for the Session 1864-65, in the custody of Daniel O'Keefe, Esq., Librarian of University College, Cork, confirms Davin's registration at Queen's College and contributes to a determination



of his year of birth. The records of The Honourable Society of the Middle Temple, London, in the custody of Miss Charlotte Lutyens, Librarian and Keeper of the Records, provide information on Davin's enrolment as a member of the Middle Temple. Likewise, the records of the Law Society of Upper Canada, located in Osgoode Hall, Toronto, in the custody of the Secretary, contain details of Davin's admission to the bar in Canada. Documents dealing with the death of George Brown and the trial of George Bennett are to be found in the Office of the Registrar, Supreme Court of Ontario, Toronto. Photocopies are available in the Archives of Saskatchewan, Regina Office. While the collection includes all the relevant legal documents, the major items are: Inquest into the death of the Hon. George Brown: Sworn Statements of Witnesses appearing before Coroner's Court, Toronto, May 10-11, 1880; and Queen vs George Bennett (1880): Notes of Mr. Justice Matthew Crooks Cameron, dated June 2, 1880. Bennett's notes are included in the docket, Queen vs George Bennett (1880), but they are not suitable for copying and consequently are available in the original only in the Office of the Registrar, Supreme Court of Ontario, Toronto. The Secretary of the Law Society of Saskatchewan, Court House, Regina, holds the Roll of Advocates of the North-West Territories. Records of the Supreme Court of the North-West Territories, Regina, which contain documents pertaining to the two major actions in which Davin was involved in Regina, namely, Queen vs Braithwaite (1883) and Christopher J. Atkinson vs The Leader Company (Limited) and Nicholas Flood Davin (1889), are in the Archives of Saskatchewan, Regina Office. The Archives of Saskatchewan, Regina Office, also hold a microfilm copy of the Regina District Liberal-Conservative Association Minute Book, 1886-1896. Davin's marriage to Eliza Jane Reid is recorded in the Office of the Registrar General of Ontario, Toronto, whence an Extract for Genealogy can be obtained. Documents relating to the various Mounted Police Inquiries initiated by Davin are available in



the Royal Canadian Mounted Police Records, Public Archives of Canada, Ottawa. Papers relating to Davin's death and burial are available from the Beechwood Cemetery Company, Ottawa.

#### D. Personal Papers and Private Records

Much useful information about the Davin family was obtained from a few pages of notes prepared by one of the later Maurice Davins of Deer Park, Carrick-on-Suir, Co. Tipperary. It is presently in the custody of Mrs. Nicholas Flood Davin of Mallow, Co. Cork, and has consequently been referred to in this study as the Mallow Manuscript. The personal papers of certain Canadian public figures have also yielded information about Davin, and some of them, the Sir John Thompson Papers particularly, contain a large number of Davin's own letters. Except as otherwise noted, the following are all in the custody of the Public Archives of Canada, Ottawa: The Sir John A. Macdonald Papers; The Sir John Thompson Papers; The Sir Clifford Sifton Papers; The Sir Charles Tupper Papers; The T.C. Patteson Papers (Archives of Ontario, Toronto); The Edgar Dewdney Papers (Glenbow-Alberta Institute, Calgary); and The Walter Scott Papers (Archives of Saskatchewan, Saskatoon Office). The papers of less-well-known individuals were also useful. The Archives of Saskatchewan, Regina Office, holds a microfilm copy of The Papers of Mrs. Catherine Simpson-Hayes which contain letters, a scrap-book of invitations, programmes and newspaper clippings, and annotated copies of certain of her publications. The Walter Davy Cowan Papers, a scrap-book of clippings, notes and letters, are held in the original in the Archives of Saskatchewan, Regina Office.

Two files of the Saskatchewan Historical Society now held by the Archives of Saskatchewan, Regina Office, also fall within the category of personal papers. File SHS 14 contains a small collection of Daviniana accumulated by Z.M. Hamilton who was a personal friend of Davin and later



secretary of the Saskatchewan Historical Society. The file includes the three unpublished Davin manuscripts listed above, a variety of newspaper clippings and a few letters, as well as reminiscences, anecdotes and notes about Davin, some of which Hamilton published on various occasions as newspaper articles. The second Saskatchewan Historical Society file, File SHS 13, is an administrative file containing some of the secretary's correspondence with Mrs. Davin and others. Most of this material is dated in the 1930s and '40s, and some of it has yielded useful information for this study.

#### E. Books and Articles Relating to Davin

Published material on Davin is very limited. The following list contains the major published and certain unpublished items in which significant references to Davin's origins and career can be found.

Bothwell, Jessie R., "High Diplomacy in a Jury," Leader-Post (Regina), Sept. 11, 1954.

Brault, Lucien, and others, Editors, A Century of Reporting, Toronto: Clarke, Irwin & Company Limited, 1967.

Davin, Pat, Recollections of a Veteran Irish Athlete, Dublin: The Juverna Press, n.d.

Davis, May, "A Pinafores Printer," Saskatchewan History, Vol. 9, No. 2, 1956.

Hamilton, Z.M., "Nicholas Flood Davin," unpublished ms in AS, File SHS 14.

"Men Important in Early History of Saskatchewan," unpublished ms in AS.

"Founder of Leader Known Across Canada as Statesman," Leader-Post (Regina), Mar. 1, 1933.

Hassard, Albert F., Famous Canadian Trials, Toronto: Carswell Co. Ltd., 1924.

Honeyman, J.R.C., "The Regina Leader," The Story of the Press, Battleford, Saskatchewan: Canadian North-West Historical Society Publications, Vol. 1, No. 4, Pt. 1, 1928.

Koester, C.B., "The Parliamentary Career of Nicholas Flood Davin, 1887-1900," unpublished M.A. Thesis, Saskatoon: University of Saskatchewan, 1964.



Koester, C.B., "'Mr. Davin's Pamphlet on the North-West': A Bureaucratic Comedy of Errors," Saskatchewan History, Vol. 16, No. 1, 1963.

"Nicholas Flood Davin: Politician-Poet of the Prairies," The Dalhousie Review, Vol. 44, No. 1, 1964.

MacLysaght, Edward, Irish Families, Dublin: H. Figgis, 1957.

Ramsay, James, "Canadian Empire Builders of Today," Windsor Magazine, Nov. 1898.

Saxby, Jessie M.E., West-Nor'-West, London: J. Nisbet & Co., 1890.

Stubbs, Roy St. G., Lawyers and Laymen of Western Canada, Toronto: The Ryerson Press, 1939.

Thomas, Ralph, "Three Irishmen I Knew," The Irish Booklover, Dec. 1910.

Ward, Norman, "Davin and the Founding of the Leader," Saskatchewan History, Vol. 6, No. 1, 1953.

Special mention should be made of the work of two men:

Zachary Macaulay Hamilton and Roy St. George Stubbs. Hamilton was responsible for the initial steps in developing the fine collection of Davin's publications and other material which successive Saskatchewan Provincial Archivists have continued to enlarge. Moreover, he committed to writing much of his personal knowledge about Davin, and although he was largely uncritical, his writings have preserved a useful outline and assessment of Davin's career, together with much reminiscent and anecdotal material. While Hamilton was basically a reporter, Roy St. George Stubbs was much more of a biographer. His sketch of Davin in his Lawyers and Laymen of Western Canada, in the preparation of which he consulted Hamilton, is the only comprehensive biographical work on Davin in existence and therefore a most valuable contribution. Later writers have relied heavily on Stubbs' work which serious students should therefore consult in preference to Grant MacEwan's chapter on Davin in his Fifty Mighty Men or to Robert Moon's "Davin -- Bald Eagle of the Prairies" which appeared in The Beaver, Summer 1965, neither of which has been included in the above list for that reason.



Similarly, Albert R. Hassard's article on Davin in his series entitled "Great Canadian Orators," published in The Canadian Magazine, October 1919, is studded with inaccuracies and therefore is quite unreliable.

F. Books and Articles Relating to the Period

Of the secondary sources consulted on the general period of this study and for accounts of particular issues, the more important are listed below. A few yielded specific information on Davin.

Berger, Carl, The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867-1914, Toronto: University of Toronto Press, 1970.

Berton, Pierre, The National Dream, Toronto: McClelland and Stewart Limited, 1970.

Black, N.F., History of Saskatchewan and the North West Territories, 2 vols., Regina: Saskatchewan Historical Publishers, 1913.

Bocking, Douglas Henry, "Premier Walter Scott: A Study of His Rise to Political Power," unpublished M.A. Thesis, Saskatoon: University of Saskatchewan, 1959.

Bothwell, Mrs. Austin, "History of the Legislative Library," Second Report of the Saskatchewan Archives, Regina: King's Printer, 1947.

Bothwell, J.R., "First Territorial Fair," Leader Post (Regina), Aug. 2, 1962.

Bourinot, Arthur S., Editor, Some Letters of Duncan Campbell Scott, Archibald Lampman and Others, Ottawa: The Editor, 1959.

More Letters of Duncan Campbell Scott, (2nd Series), Ottawa: The Editor, 1960.

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Careless, J.M.S., Brown of the Globe. Vol. 2, Statesman of Confederation, 1860-1880, Toronto: The MacMillan Company of Canada Limited, 1963.

Charlesworth, Hector, More Candid Chronicles, Toronto: The MacMillan Company of Canada Limited, 1928.

Clarke, Lovell C., "The Conservative Party in the 1890's," The Canadian Historical Association Annual Report, 1961.

Creighton, Donald, John A. Macdonald. Vol. 2, The Old Chieftain, Toronto: The MacMillan Company of Canada Limited, 1955.



- Curtis, Edmund, A History of Ireland, London: Methuen, University Paperbacks, 1966.
- Dafoe, John W., Clifford Sifton in Relation to his Times, Toronto: The Macmillan Company of Canada Limited, 1931.
- Dalton, Roy C., The Jesuits' Estates Question, Toronto: University of Toronto Press, 1968.
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